FINAL ENVIRONMENTAL IMPACT REPORT

(SCH # 2016021028)

FOR THE

TULARE PILOT FLYING J

OCTOBER 11, 2018

Prepared for:

Community Development Department
City of Tulare
411 East Kern Ave.
Tulare, CA 93274

Prepared by:

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De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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1.1 PURPOSE AND INTENDED USES OF THE EIR

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Tulare (Tulare, or City) is the lead agency for the environmental review of the Pilot Flying J Project (Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval of the project and associated impacts from subsequent development and operation of the project, and also includes the responses to comments received on the Draft EIR (DEIR).

CEQA REQUIREMENTS FOR A FINAL EIR

This Final Environmental Impact Report (FEIR) for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Tulare, as the lead agency, has prepared the Draft EIR and this Final EIR to disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts.

This document and the Draft EIR, as amended herein, constitute the Final EIR, which will be used by the City of Tulare to determine whether to approve, modify, or deny the proposed project in light of the project's environmental effects. The EIR will be used as the primary environmental document to evaluate full development, all associated infrastructure improvements, and permitting actions

associated with the proposed project. All of the actions and components of the proposed project are described in detail in Section 2.0 of the Draft EIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The City of Tulare circulated a Notice of Preparation (NOP) of an EIR for the Pilot Flying J Travel Center on February 5, 2016 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on February 25, 2016 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR.

RECIRCULATED NOTICE OF PREPARATION

Since the initial circulation of the NOP, the project was refined, including proposed changes to the development footprint and development site plan characteristics. Based the changes since initial publication of the NOP, the City determined that the NOP should be recirculated with the updated project description as refined/modified.

The City of Tulare recirculated the NOP for the Pilot Flying J Travel Center on August 15, 2016 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on September 6, 2016 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City of Tulare published a public Notice of Availability (NOA) for the Draft EIR on May 4, 2018, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2016021028) and the County Clerk, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from May 4, 2018 through June 18, 2018 (45 days).

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues

determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

RESPONSE TO COMMENTS/FINAL EIR

The City of Tulare received three (3) comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to all comments received during the public review period.

The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City of Tulare will review and consider the Final EIR. If the City of Tulare finds that the Final EIR is "adequate and complete", the City of Tulare will certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

1) The EIR shows a good faith effort at full disclosure of environmental information; and

2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Following review and consideration of the Final EIR, the City of Tulare may take action to approve, modify, or reject the proposed Project. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the proposed Project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commentors, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

CHAPTER 4.0 – FINAL MMRP

Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

CHAPTER 5.0 – REPORT PREPARERS

Chapter 5.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

2.1 INTRODUCTION

The City of Tulare received three (3) comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the comments received during the public review period. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTORS

Table 2-1 lists the written comments on the Draft EIR that were submitted to the City of Tulare during the public review period. The assigned comment number, comment date, commenter, and affiliation, if presented in the comment or if representing a public agency, are also listed.

TABLE 2-1 LIST OF COMMENTORS

RESPONSE CODE	SIGNATORY	AFFILIATION	DATE
A	James G. Moose	Remy Moose Manley LLP (Representing Love's Travel Stops & Country Stores)	6-18-2018
B	David Deel	California Department of Transportation (Caltrans)	6-18-2018
C	Arnaud Marjollet	San Joaquin County Air Pollution Control District (SJVAPCD)	6-13-2018

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR regarding an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Draft EIR.

RESPONSES TO COMMENTS

Written and oral comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter or oral comment is lettered (i.e., Comment A) and each comment within each letter or oral comment is numbered (i.e., comment A-1, comment A-2).
- Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (<u>underline</u> for new text, ~~strike out~~ for deleted text).

RMM

REMY MOOSE MANLEY LLP

James G. Moose
jmoose@rmmenvirolaw.com

June 18, 2018

VIA E-MAIL AND USPS

Traci Meyers, Deputy Director
City of Tulare
Community Development Department
411 East Kern Ave.
Tulare, CA 93274
tmyers@tulare.ca.gov

Dear Ms. Meyers:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the proposed Tulare Pilot Flying J Project (the Project) (SCH #2016021028). We are writing on behalf of Love's Travel Stops & Country Stores (Love's), which has operated in the City of Tulare since January 1, 2010. Love's is one of the largest sales tax payers in the City and is proud to employ numerous local residents and serve thousands of residents and visitors. As you will see from the company's website, "Love's Travel Stops & Country Stores has more than 450 locations in 41 states, providing professional truck drivers and motorists with 24-hour access to clean and safe places to purchase gasoline, diesel fuel, Compressed Natural Gas (CNG), travel items, electronics, snacks and more, as well as a wide variety of restaurant offerings." A-1

As a general matter, Love's prefers not to insert itself into local land use controversies, but rather is content to employ local residents, generate tax revenues supporting local government, and participate in local good works. In this particular situation, however, Love's feels compelled to make an exception. With some regret but firm resolve, we therefore respectfully offer you the following comments, all of which focus on the Project's transportation-related effects.

We start out by saying that Love's accepts that Pilot Flying J is a competitor in the marketplace, and that Love's does not object in principle to the notion of having its major

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competitor right across the street. Indeed, such face-to-face competition is a fact of life in Love's industry throughout much of this country. What distresses Love's in this particular situation is the prospect of a new major traffic-intensive land use being developed on a site accessible only through inadequate infrastructure. Such a scenario could severely injure Love's, which thus has no choice but to makes its interests and ideas known to the City.

A-1 Con't

The Love's site on the southwest side of the State Route 99/Paige Avenue interchange already experiences problems with truck traffic leaving the freeway off-ramps from the north at a stop sign on South Blackstone Street just north of Paige. Left turns by trucks at that location create serious issues. As early as 2005, when Love's was considering locating a new project in the City of Tulare, Love's had the expectation, explained below, that Caltrans would relatively soon thereafter be building a major new modern interchange that would solve the existing and projected deficiencies with the current configuration. Although Love's designed its site to leave ample room for the new interchange, and thus has no direct access onto Paige Avenue, the new interchange has never been built. This inaction has been a disappointment to Love's, which reasonably anticipated such construction based on communications at the time with City and Caltrans officials. For reasons unclear to Love's, the interchange improvements appear not to have been pursued with vigor, despite these earlier communications suggesting an opposite course. In the absence of a new interchange or equally effective alternative improvements, traffic-related problems persist with the current configuration.

A-2

When Love's learned that Pilot was proposing a new project next door, Love's obtained the Draft EIR and retained the services of a professional traffic engineering firm, Griffin Cove Transportation Consulting (Griffin Cove), to review the traffic study that underlies the Transportation and Circulation chapter of the Draft EIR. Love's also asked our firm to review that chapter for legal adequacy and, in particular, to assess the legal sufficiency of the proposed strategies for mitigating the Project's transportation-related effects.

A-3

As we explain in detail below, we found the traffic study and Transportation and Circulation chapter to be insufficient under the California Environmental Quality Act

A-4

(CEQA) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The traffic study suffers from a number of technical flaws and omissions highlighted at length by Griffin Cove. Many of these technical deficiencies rise to the level of creating legal deficiencies. We therefore must respectfully insist that the traffic study be substantially revised, and that the Transportation and Circulation chapter of the Draft EIR must be updated and recirculated for additional public review pursuant to CEQA Guidelines section 15088.5. A-4 Con't

As a result of the inadequate traffic study, the Draft EIR improperly ignores or defers the formulation of adequate mitigation of the Project's significant traffic-related impacts, on both a project-specific and cumulative basis. Approval of the Project as proposed would thus likely lead to full breakdown of intersections at and near the Project site. Such an outcome would not only likely entirely restrict access to the Love's facility during peak hours; the outcome would also conflict with the City's General Plan, and thus be unlawful for that reason alone. The City cannot approve any project that will violate General Plan, Policy TR-P2.3, which states that "[t]he city *shall maintain* Level of Service of 'D,' as defined in the Highway Capacity Manual … as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate." (Tulare General Plan, TR-P2.3 (Oct. 2014), p. 3-14, emphasis added.) As things now stand, approval of the Project based on the current traffic study and EIR would not only violate CEQA, but would also violate the California Planning and Zoning Law (Gov. Code, § 65000 et seq.). A-5

We are hopeful that, with the benefit of our comments and those of Griffin Cove, the City can revise the traffic study and Transportation and Circulation chapter in a manner that both properly identifies problems and formulates real solutions. To the extent, however, that even with a revised analysis and a newly created approach to mitigation, adequate level of service (D or better) cannot be obtained until future freeway interchange improvements are in place, the City must condition any approval of the Pilot project by refusing to issue Pilot a certificate of occupancy until such time as it can be demonstrated that Pilot's operations do not cause level of service at the interchange and nearby streets to get worse than D. Perhaps these comments from Love's will inspire the A-6

City to renew its efforts to find the funds and obtain the permits needed for major improvements at Paige Avenue and SR 99. A-6 Con't

I. Background

A. Love's Travel Center and the Paige Avenue Interchange

The existing Love's Travel Center sits immediately to the east of the Project site. Even without the addition of substantially greater traffic as a result of the Project, existing traffic conditions at nearby intersections and freeway on- and off-ramps are significantly strained. In a November 2016 City Council meeting, City Manager Paul Melikian was quoted as saying "[i]t's no secret the current Paige Avenue overpass is an impediment to growth in the south Tulare area.... The Paige Avenue overpass has been deemed substandard." (Luis Hernandez, *Council to consider locations for south Tulare interchange*, Visalia Times Delta (Nov. 10, 2016) [hereinafter "Exhibit B"].) At the same meeting, Councilman Craig Vejvoda described the Paige interchange as "a mess most of the time." (Luis Hernandez, *Council split on Paige project*, Visalia Times Delta (Nov. 16, 2016) [hereinafter "Exhibit C"].) The 2018 Regional Transportation Improvement Program (RTIP) describes the Paige Avenue interchange as "*functionally obsolete*" (City of Tulare, 2018 Regional Transportation Improvement Plan (Dec. 2017), p. 13, emphasis added) and explains that the "[e]xisting interchange at Paige Road will deteriorate to LOS F within the 20 year design period" (RTIP, Appendices Section 15, p. 9). The serious existing problems with the interchange are no secret. A-7

In response to the traffic problems at and near the Paige Avenue interchange, the City and Caltrans have long had plans to construct improvements. Prior to the City's approval of the Love's Travel Stop, Caltrans recommended, and Love's agreed, that Love's should preserve a five-acre portion of the Love's property for future development of a new interchange. In addition, Love's relinquished access rights to Paige Avenue to the City in order to preserve the ability to construct the new interchange. (See Al Dias, Dept. of Transportation, letter to Mark Kilety, Director of Planning and Building, City of Tulare, May 24, 2007, p. 2 [hereinafter "Exhibit D"].) Love's therefore left a five-acre swath of valuable land undeveloped, and vehicles cannot access the Love's Travel Center A-8

from Paige Avenue. The northerly portion of the Love's property is now entirely unusable other than for construction as a future interchange. A-8 Con't

Other local businesses have also relied on the City's and Caltrans' representations that they will construct a new interchange. For example, in a 2016 article for the Visalia Times Delta, Courtney Roche Jr. wrote about his family business, Roche Oil, located at the corner of Paige Avenue and SR 99. Mr. Roche explained that, upon learning that the City planned to improve the Paige Avenue Interchange, his family "invested nearly a million dollars to expand Roche Oil in 1997 to capture and retain Highway 99 traffic and improve the area." (Courtney Roche Jr., *Tulare plan threatens longtime family business*, Visalia Times Delta (Oct. 27, 2016) [hereinafter "Exhibit E"].) The Love's family has similar feelings.

The problem is that, although Love's and others have relied on the City's representation that it will improve the dire circulation problems around the Project site, and have worked closely with the City to support those efforts, the City has not followed through. Love's is concerned that the City may no longer be committed to a new Paige Avenue interchange. In fact, in 2016, the City Council considered funding for environmental study of improvements at *other* interchanges in lieu of making improvements at Paige Avenue. The Council, by a two-to-two vote, did not approve that funding, but since then, from what we can tell, the City has not made any additional movements toward improving the circulation problems in the vicinity. (Exhibit C.) A-9

To be certain, Love's recognizes the engineering, planning, funding, and political challenges involved with constructing a new interchange; and acknowledges that a new interchange may no longer be the best, or even a realistic, solution to the existing traffic problems. We provide the above background information, however, to emphasize both the serious traffic problems that exist in the vicinity and the pressing need for an adequate solution. If an interchange of the kind envisioned back in the 2005 timeframe is no longer feasible, the City and Caltrans should pursue alternative improvements that achieve and maintain no worse than LOS D in both the near-term and long-term. If no solution can be identified and implemented before a new Pilot opens for business, then the City should decline to approve the Pilot Project.

B. Approval of the Proposed Project

According to the Draft EIR, the Project would develop approximately 13.63 acres of an undeveloped 36.27-acre parcel at the southwest corner of South Blackstone Street and E. Paige Avenue, approximately 700 feet west of SR 99 and 2,000 feet east of the Union Pacific Railroad. (Draft EIR, p. 2.0-1.) Pilot would construct a new Pilot Flying J Travel Center, which would include the following: 9 diesel fueling lanes; 10 gas fueling dispensers; 137 truck parking spaces; 84 passenger vehicle parking spaces; project signage, including a 100-foot sign that requires a Zoning Code variance; and a 14,967 square foot building that would contain a driver's lounge, a game room, pay phones, ATMs, Western Union check cashing, Wi-Fi, restroom facilities with 9 showers and laundry, and two quick service restaurants. (Draft EIR, p. 2.0-2.) A-10

The City published a Notice of Preparation for the Project in February of 2016 and spent the ensuing two-plus years preparing the Draft EIR. During that entire time, the City *never contacted or sought any input from Love's*, even though Love's will be the most directly and negatively affected by the Project. When Love's received the Draft EIR for the Project, Love's had no choice in light of its serious concerns about the potential traffic impacts but to expend financial resources to hire an objective transportation engineer to review the Draft EIR and associated traffic impact study (TIS). The attached letter from Neal K. Liddicoat, P.E., Principal at Griffin Cove Transportation Consulting, PLLC, describes in great technical detail the results of his review of the Project. (Neal K. Liddicoat, P.E., letter to James G. Moose, Remy Moose Manley, June 8, 2018 [hereinafter "Exhibit A"].) To our dismay, Griffin Cove found a number of critical technical errors and omissions in both the TIS and the EIR, and identified inadequacies in the associated mitigation measures. Griffin Cove's letter, attached as Exhibit A, is incorporated herein in its entirety. A-11

As described by Griffin Cove and explained herein, approving additional development without properly studying impacts and requiring necessary mitigation to account for added traffic and resulting circulation problems would dramatically worsen the already strained existing situation. The Project would exacerbate existing conditions A-12

at off-ramps and preclude access entirely (both ingress and egress) to the Love's Travel Center during peak traffic conditions. (See Exhibit A.) But the EIR does not offer *any* solutions for these impacts. A-12 Con't

The analysis and the proposed mitigation in the TIS and the Draft EIR are insufficient under CEQA, and the Project would conflict with the City's General Plan in direct violation of Planning and Zoning Law. Griffin Cove has identified significant traffic impacts that thus far have gone unreported. The existence of such new significant impacts triggers recirculation of the Transportation and Circulation chapter under CEQA Guidelines section 15088.5, subdivision (a)(1). Furthermore, the TIS and Draft EIR are "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded." (CEQA Guidelines, § 15088.5, subd. (a)(4); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447-449 (*Vineyard*).) Therefore, in order to comply with CEQA and to ensure that traffic impacts from the Project are adequately mitigated, the City must prepare and recirculate a substantially revised TIS and Transportation and Circulation Chapter. (*Ibid.*) We respectfully request that the City does not approve the Project unless and until the City has complied with these requirements. A-13

II. The Project as proposed would conflict with the City of Tulare General Plan in violation of Planning and Zoning Law.

A general plan is the "constitution for all future developments," and local land use decisions "must be consistent with the general plan and its elements." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 (*Endangered Habitats League*), quoting *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) Where a project "conflicts with a general plan policy that is fundamental, mandatory, and clear," that project is inconsistent with the general plan in violation of the law. (*Endangered Habitats League, supra*, 131 Cal.App.4th at p. 782, citing *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1341–42.) As such, the City of Tulare cannot "override" a A-14

conflict with a fundamental, mandatory, and clear provision of the General Plan as though it were a significant unavoidable impact permitted to occur under CEQA with issuance of a Statement of Overriding Considerations (pursuant to CEQA Guidelines section 15093). Rather, such a conflict makes Project approval unlawful under the Planning and Zoning law, regardless of the Council's possible willingness to adopt a Statement of Overriding Considerations. Put simply, approving a Project that would conflict with "shall" language in the General Plan violates the law.

The City of Tulare General Plan requires that the City maintain Level of Service (LOS) D:

> The city shall maintain Level of Service of 'D,' as defined in the Highway Capacity Manual … as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate.

A-14 Con't

(Tulare General Plan, TR-P2.3, (Oct. 2014), p. 3-14, emphasis added.) The policy is intended to implement Goal TR-2, "[t]o maintain an efficient, affordable, and safe roadway system throughout Tulare in a way that is economically sustainable and fits within the projected budgeted resources." Use of the word "shall" indicates the policy is undoubtedly mandatory. The policy is clear in its expression that the city shall maintain Level of Service (LOS) D. And, the policy is fundamental because it is intended to implement Goal TR-2. Any project that degrades LOS to E or F, or exacerbates existing LOS E or F conditions, conflicts with Policy TR-P2.3 of the General Plan and would be a violation of the law. The City cannot override such a conflict.

Interestingly, the EIR identifies that the intersection at Laspina Street and Paige Avenue is *already* operating at LOS F in violation of the General Plan. If approved, the Project would increase delay at that intersection by almost 30 seconds in the p.m. peak hour (Draft EIR, Table 3.12-7, p. 3.12-13), which would exacerbate existing LOS conditions even further, in violation of the General Plan. Even relying on the flawed TIS analysis that Griffin Cove says understates impacts from the Project (as described in detail below), the Draft EIR also concludes that the Project would violate General Plan

Policy TR-P2.3 by further degrading LOS to E or F conditions at the following intersections:

- SR 99 northbound off-ramp and Paige Avenue (from LOS C to LOS F during the p.m. peak hour); and
- SR 99 southbound off-ramp and Paige Avenue (from LOS C to LOS E during both the a.m. and p.m. peak hours).

A-14 Con't

These violations automatically render the Project inconsistent with the General Plan. The City therefore cannot approve the Project as proposed.

Endangered Habitats League is directly on point. There, similarly, the general plan stated that "LOS C shall ... be maintained on Santiago Canyon Road links...." (*Endangered Habitats League*, *supra*, 131 Cal.App.4th at p. 783.) Ignoring that standard, the County approved a project that would degrade the LOS below C. The court determined that under those circumstances it could not "find the mitigated project [was] consistent with the general plan. The inescapable conclusion [was] the project conflicts with the general plan because of the impact it [would] have on traffic...." (*Id.* at p. 785.) The same is true here.

The City cannot approve the Project unless and until it has ensured (via an adequate traffic impact analysis and sufficient mitigation) that LOS will remain at D or better at all freeways, arterial streets, collector streets, and intersections, in both the near-term and the long-term.

III. The TIS and the EIR do not adequately analyze transportation and circulation impacts from the Project, in violation of CEQA.

The TIS and the EIR contain a number of critical errors, including the following: (i) the Project trip generation estimate is based on irrelevant data that does not accurately reflect the volume of traffic generated by the Project; (ii) the distribution of trips does not reflect the fact that the Project would allow construction of a truck stop; (iii) the volume of truck traffic is underestimated; and (iv) the LOS analysis does not comply with the Transportation Research Board's *Highway Capacity Manual* as required by the City's General Plan. As a result of these flaws, the TIS considerably understates on- and off-

A-15

ramp, intersection, and driveway impacts; and the EIR fails to reveal, and thus does not consider, a number of likely significant impacts from the Project.

A. The TIS relies on faulty and incorrect assumptions.

The TIS relies on a number of incorrect assumptions that undermine the validity of the study. In turn, the results of the study are dramatically skewed; and the TIS and the EIR do not capture the significant impacts from the Project. Below is a summary of some of the key errors in the traffic study, based on the analysis provided by traffic expert Neal Liddicoat in the Griffin Cove letter, included as Exhibit A:

- Project Trip Generation (Exhibit A at pp. 3–8): The TIS analysis relies solely on data collected from the Pilot Travel Center in Patterson, California, and as a result substantially underestimates the volume of traffic the Project will draw to the vicinity. The Patterson Pilot Travel Center was a new facility when the traffic counts were performed, and it likely now has many more patrons, and therefore greater volumes of traffic. In addition, the TIS fails to recognize the direct connection between freeway traffic volumes and Project trip generation. The volume of traffic on Interstate-5, near the Patterson Travel Center, is significantly less than the volume of traffic on SR 99, adjacent to the Project site. Table 1 in Griffin Cove's letter shows that in 2014, 2015, and 2016, the volume of traffic adjacent to the Project site was 12.8 percent at a minimum and up to *as much as 36.6 percent higher* than the traffic volume data used in Project's analysis. (Exhibit A at p. 5.) Regardless, the TIS applies traffic volumes as they existed in Patterson when the Pilot facility first opened, and not as they exist at the site of the proposed Project.

  The analysis also assumes that 69 percent of the Project's truck traffic and 50 percent of the Project's fast food and non-truck traffic will come from and return to the freeway, compared to other recent studies which show that 80 to 90 percent of traffic to similar facilities comes from and returns to the freeway. As a result, the traffic study dramatically underestimates the amount of traffic that will come off of

A-15 Con't

and go onto the freeway. The use of such patently low trip-generation estimates substantially understates the Project's traffic impacts.

In addition, the data used for the TIS consists only of counts at the Patterson Pilot Travel Center's driveways, but the traffic analysis indicates those trips were divided into four separate trip types—truck fueling, RV fueling, auto fueling, and fast food restaurant trips. The EIR and the TIS do not explain *how* these trip counts were divided, though it appears there are serious flaws in the methodology. For example, truck fueling trips were multiplied by a "passenger car equivalent" to reflect trucks' lower operating characteristics, but it is impossible to understand from the TIS or the EIR how many truck fueling trips were counted and how that number was derived. In addition, the fast food trip generation rates in the EIR are dramatically less than those in the Institute of Transportation Engineers *Trip Generation Manual*, Ninth Edition, 2012. In particular, in the a.m. peak hour, the *Trip Generation Manual* fast food trip generation rate is *142.9 percent higher* than the rate applied in the EIR. And because the traffic study incorrectly assigns only half of these trips to the freeway and the other half to the local-street system, the potential impacts of the Project on freeway ramps, in particular, are understated in the Draft EIR.

A-15 Con't

- Freeway Truck Percentage (Exhibit A at p. 8): Relying on Caltrans data for SR 99 north of the Project site, the TIS assumes trucks constitute 20 percent of traffic on the freeway. Just south of the Project site, though, Caltrans data shows significantly higher truck percentages, ranging from 22 percent to 27.61 percent. This difference is important because trucks perform differently than passenger cars—they accelerate and decelerate at much lower rates; they take up more space (length and width) in the lanes; and their turning movements are very different from those of passenger cars. Because the TIS assumes a significantly low truck percentage, the study describes overly optimistic traffic operations.

A-16

- Intersection Truck Percentage (Exhibit A at p. 9): The TIS assumes, based on a vehicle count performed in 2015, that trucks comprise 14 percent of the traffic on Paige Avenue, but that calculation is based on at least two errors. First, the 14 percent calculation does not include Federal Highway Administration's 'Class 5' heavy vehicles, which are "heavy vehicles" and must be counted as trucks. When 'Class 5' vehicles are included in the count, the percentage of trucks increases from 14 to 17 percent. (Exhibit A at p. 9) The TIS analysis also assumes that approaches at the freeway ramps will include 14 percent trucks, but the freeway mainline analysis assumes there will be 20 percent trucks on the freeway. There is no reason to believe that freeway on- and off-ramps would have *less* truck traffic than the freeway itself, particularly where, as here, there is already an existing truck stop at the exit and the Project would be a second truck stop. Because the TIS underestimates the volume of trucks at intersections, approaches and turning movements are not properly considered, and the analysis underestimates intersection delay values.

A-16 con'd

- Project Trip Distribution (Exhibit A at pp. 9–12): The TIS incorrectly assumes that only 69 percent of truck traffic and 50 percent of non-truck traffic at the site will be freeway oriented. But data collected at six existing Love's Travel Stop & Country Store locations indicates that over 87 percent of patrons are freeway travelers. In Tulare, those patrons generally exit the freeway at Paige Avenue, stop at Love's to meet their travel needs, then continue on the freeway in the same direction they were going before they stopped at Love's. Several other nearby traffic impact studies for similar travel centers show that a much higher percentage (as high as 90 percent) of Project-generated traffic is freeway oriented. Because of the understated freeway-oriented traffic, the Project's impacts on freeway on- and off-ramps are also severely understated.

  Of specific concern, this incorrect assumption underestimates the potential impacts at the intersection of the SR 99 southbound off-ramp and Blackstone

A-17

Street, which exhibits operational deficiencies even without the addition of the Project. The left-turn movement from the SR 99 off-ramp onto southbound Blackstone Street is particularly concerning. Even under its faulty analysis, the TIS shows that with the addition of the Project, delay will increase from LOS C to LOS F during the a.m. peak hour and to LOS E during the p.m. peak hour. (Exhibit A, Table 4, p. 10.) Under the cumulative scenario, LOS will degrade to F during both the a.m. and p.m. peak hours. In addition to violating the General Plan, this additional delay will potentially cause traffic to back up onto the SR 99 mainline, causing additional significant impacts. Without an adequate traffic study, it is impossible to understand the true severity of these potentially significant impacts. A-17 Con't

- Unsignalized Intersection LOS (Exhibit A at p. 11): As explained above, the City's General Plan requires the City maintain LOS D as defined in the *Highway Capacity Manual*. The *Highway Capacity Manual* explains that, with respect to unsignalized (stop-sign controlled) intersections, LOS must be determined for each minor-street *movement* (as well as major-street left turns), and not defined for the intersection as a whole or for major-street approaches. The TIS, though, incorrectly considers *approach* delays rather than *movement* delays to determine LOS at the unsignalized intersections. Griffin Cove applied the appropriate criteria to the data in the TIS, as required by the *Highway Capacity Manual* and the General Plan, and compared its findings to the conclusions in the TIS based on the incorrect methodology. Because of the application of the incorrect methodology, Griffin Cove determined, the TIS underestimates LOS at certain intersections. For example, the EIR indicates that the intersection of northbound SR 99 and Paige Avenue currently operates at LOS C during peak hours, but the TIS indicates that the critical *movement* at this intersection operates at LOS D, and the average delay is 12 to 15 seconds per vehicle greater than what is identified in the EIR. Under existing plus Project conditions, the EIR reports that A-18

the intersection would operate at LOS A[1] during the a.m. peak hour, but the critical *movement* at the intersection would actually be at LOS F, with an average delay of 88.1 seconds per vehicle. (Exhibit A, Table 5, p. 13.) Because the EIR did not apply the proper methodology as required by the General Plan, the EIR does not consider this significant impact, in violation of CEQA. Thus, Griffin Cove has also identified another potential General Plan violation.

A-18 Con't

The court in *Endangered Habitats League* directly addressed a very similar issue. The general plan policy there required maintenance of LOS C, determined based on the county's Transportation Implementation Manual (TIM). (*Endangered Habitats League, supra*, 131 Cal.App.4th at p. 783.) The TIM required that the relevant traffic analysis "shall" rely on the methods in the *Highway Capacity Manual*. (*Ibid.*) The record showed that, in applying the methodology in the *Highway Capacity Manual*, the project would cause LOS to degrade to D/E. (*Ibid.*) The County of Orange approved the project regardless, relying instead on a volume to capacity ratio methodology under which they determined LOS would be B. (*Ibid.*) The court held that the county's determination was inconsistent with its general plan because, under the methodology *required* by the general plan, the project would degrade LOS to below the required standard. (*Id.* at p. 785.) It was not enough that a different methodology showed an improved LOS. The same is true here; applying the methodology that is required by the General Plan itself, the Project will degrade LOS to F in violation of the requirement that the City maintain LOS D. Therefore, the City cannot approve the Project as currently proposed.

- Freeway Merge/Diverge Analysis (Exhibit A at p. 14): The TIS contains a freeway merge/diverge analysis for direct impacts from the Project, but does not include such an analysis for cumulative conditions. In addition, the merge/diverge analysis

A-19

[1] This seems to indicate that the Project will *improve* conditions at this intersection, which is not possible. We assume that this value was identified in the EIR in error.

is not contained within the Draft EIR. The California Supreme Court has made clear that "the data in an EIR ... must be presented in a manner calculated to adequately inform the public and decision makers.... Information scattered here and there in EIR appendices or a report buried in an appendix, is not a substitute for a good faith reasoned analysis." (*Vineyard, supra*, 40 Cal.4th at p. 442.) When the City revises the TIA and recirculates the Transportation and Circulation chapter, the revised analyses should include a merge/diverge analysis for both direct and cumulative impacts from the Project.

A-19 Con't

B. The cumulative analysis is inadequate.

An EIR is required to consider the cumulative impacts of a project, defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, §§ 15130, 15355.) "It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, [the EIR] must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431.) The cumulative analysis in the TIS and the EIR include a number of flaws that render the analysis inadequate.

A-20

The cumulative analysis considers three possible future scenarios: (1) existing traffic control, which includes stop-sign controlled intersections; (2) traffic signal controls at all study intersections and reconfiguration of the SR 99/Paige Avenue interchange; and (3) reconstruction of several study intersections as roundabouts. (Exhibit A at p. 14.) There appears to be <u>no</u> funding available for scenarios (2) or (3), which leaves scenario (1) as the only reasonably foreseeable scenario. From what we can tell, the City lacks any substantial evidence to support the optimistic assumption that the future improvements called for in scenarios (2) and (3) will actually be built within a reasonably foreseeable relevant time frame. The TIS and the EIR show that, under scenario (1), all intersections but one will operate at LOS F during a.m. and p.m. peak hours. Essentially, the entire

system will break down. The EIR, though, does not disclose that this is the only likely scenario, preferring to hold out hope (though without support) for the notion that Caltrans or other transportation improvement funders will make major investments in the interchange. Nor does the proposed mitigation adequately address the most realistic scenario of complete breakdown. A-20 Con't

The cumulative analysis also includes many faulty assumptions that skew the outcome of the traffic study:

- Cumulative Freeway Traffic Volumes (Exhibit A, p. 15): The Draft EIR shows that northbound *a.m.* peak-hour volumes are roughly equal to southbound pm peak-hour volumes, as would be expected. In surprising contrast, however, the analysis shows the northbound *p.m.* peak-hour volumes are 50 to 70 percent *higher* than the southbound a.m. peak-hour volumes. This result is not logical. Nor does it represent a typical directional travel pattern, and therefore it must be reconsidered in a revised and recirculated TIA and Transportation and Circulation chapter. A-21

- Driveway Traffic Volumes (Exhibit A, p. 15): Griffin Cove identified 17 inbound trips that are unaccounted for in the p.m. peak hour. According to the Project trip generation estimate, 190 inbound trips were projected but only 173 trips are shown in Figure 5 of the TIS. This error must be corrected in a recirculated TIA and Transportation and Circulation chapter. A-22

- Queue Length (Exhibit A, pp. 15–17): The TIS shows that under cumulative scenario 3 (the "roundabout alternative"), the northbound approach at the intersection of Blackstone Street and Paige Avenue would degrade from LOS C to LOS F during the p.m. peak hour. The addition of traffic from the Project would increase delay by 387 percent, from 21.5 seconds to 104.7 seconds per vehicle. In addition, queueing on Blackstone Street would extend 1,253 feet, which would reach beyond the southern property line of Love's Travel Stop on the east side of the street. A queue of this length would *block access to the Love's Travel Stop via* A-23

Blackstone Street; and because there is no access to Love's from Paige Avenue, *all vehicle access to the Love's facility would be blocked* during the p.m. peak hour. This scenario is obviously of great concern to Love's.

The EIR, however, entirely ignores the approach delay and instead indicates that because the *overall* intersection would operate at LOS D, there would be no impact at this intersection. As described above, however, the General Plan requires implementation of the *Highway Capacity Manual* methodology to determine LOS. The *Highway Capacity Manual* defines LOS at a roundabout to include *both* approach delay and overall intersection delay. Because the EIR does not follow the required methodology, the EIR entirely ignores this significant impact, in violation of CEQA and the General Plan. This new significant impact requires recirculation pursuant to CEQA Guidelines section 15088.5, subdivision (a)(1).

A-23 Con't

In addition, the TIS and EIR do not include analysis of the effects of the delay and queueing on Blackstone Street on operation of either the Project's or Love's driveways. Because of the above-described congested conditions on Blackstone Street, which would make an exit on Blackstone very unattractive, drivers seeking to leave the Pilot site would exit via Pilot's driveway on Paige Avenue, where drivers would exit via a right turn. This may seem at first blush to be a good thing; but exiting Pilot drivers who desire to enter onto southbound SR 99 would then be required to make a *left* turn at the Paige Avenue/Blackstone intersection. Left turns have a greater impact on vehicular delay at an intersection than does through traffic, such as northbound traffic coming up Blackstone through its intersection with Paige would be. Therefore, the Project's impact at this intersection would be even greater than what was considered in the TIS and the Draft EIR.

The TIS and EIR are similarly deficient with respect to cumulative scenario 2 (the "signals alternative"). Based on the same faulty analysis, the TIS assumes the

intersection of Blackstone Street and Paige Avenue would operate at LOS D in the p.m. peak hour, when the intersection would actually operate at LOS E.

Also of note, the TIS analysis of the "signals alternative" does not identify the queue lengths on any of the intersection approaches, though it is reasonable to expect that such queues would be considerable.

A-23 Con't

IV. The proposed mitigation measures do not adequately mitigate for significant impacts from the Project.

A. Mitigation Measure 3.12-1

Mitigation Measure (MM) 3.12-1 requires the Project proponent and the City to:

> negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction. The Development Agreement will specify which of the required improvements are eligible for reimbursements from the City, as well as the conditions and timing of said reimbursements. The Development Agreement shall provide for reimbursement to the project proponent for construction of regional improvements that are included in the City's development impact fee program. These improvements would include the following:
>
> - Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue, and Blackstone Street/Paige Avenue.
> - Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue, and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.
> - Additional roadway widening *as determined during project design*.
>
> (Draft EIR, p. 3.12-16, emphasis added.)

A-24

Mitigation Measure 3.12-1 improperly defers mitigation in violation of CEQA, and fails to include any performance standard (e.g., achievement and maintenance of LOS D) that, if accomplished, would render the effect less than significant. This type of approach has been soundly rejected by the courts. As a general rule, CEQA does not allow an agency to defer the development of mitigation measures until after project approval. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B) ["[f]ormulation of mitigation measures should not be deferred until some future time"]; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70 (*CBE v. City of Richmond*).) An agency may defer the specifics of mitigation only when: (1) the EIR contains criteria or performance standards to govern future actions; (2) practical considerations preclude the development of earlier measures; and (3) the lead agency has assurances that the future mitigation will be both "feasible and efficacious." (*CBE v. City of Richmond, supra*, 184 Cal.App.4th at p. 95; see also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669–71 [county improperly deferred mitigation when it allowed a land management plan for special status vernal pool species to be developed after certification of EIR]; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396 [conditioning a permit on "recommendations of a report that had yet to be performed" constituted improper deferral of mitigation].)

A-24 Con't

Here, Mitigation Measure 3.12-1 does not include any performance standards or criteria to guide future design decisions. To our knowledge, though, there also are no "practical considerations" that prevent the City from refining this measure to ensure that the ultimate facilities designs, taken together, will result in the achievement and maintenance of LOS D. The effort is certainly worth a try. If it turns out that LOS D cannot be achieved and maintained without a much more ambitious set of interchange improvements, the City should learn about this problem before approving the Project. Such revelations would prevent the City from approving the Project until a solution that would achieve LOS D is identified and certain of implementation. Currently, the only barrier to developing an adequate mitigation strategy is the fact that the current traffic study is substantially flawed for the reasons outlined above and in Griffin Cove's letter. Without an adequate traffic study, it is impossible to consider the Project's true impacts;

and without acknowledging and understanding the significant impacts from the Project, it is impossible to identify proper mitigation measures.

Even where Mitigation Measure 3.12-1 does identify some potential improvements, the measure does not include the details required by CEQA. For example, as identified in the Griffin Cove letter, (i) there is no intersection of SR 99 SB off-ramp/Paige Avenue (the SR 99 SB ramps meet Blackstone at a stop sign); (ii) the measure fails to specify the required lane geometry or the nature and extent of needed roadway widening; and (iii) the TIS and EIR fail entirely to identify whether or how the measures will actually mitigate the Project's significant impacts. In fact, the Draft EIR does not even attempt to present post-mitigation intersection delay values. This whole approach is not sufficient under CEQA.[2]

A-24 Con't

The text of the Draft EIR also seems to indicate that the Project proponent would be required to pay its fair share for the construction of improvements in order to mitigate for the direct impacts from the Project. Mitigation Measure 3.12-1, however, does not actually require a fair share payment. And the EIR does not identify, nor do we know of, a traffic impact fee program that would address the impacts from the Project. Even if the measure does require payment of a fair share fee, such measures are generally intended to mitigate for a project's *cumulative* impacts. (See, e.g., CEQA Guidelines, § 15030, subd. (a)(3) [a project's cumulative contribution "is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact"].) The payment of fees into a fee program is not always an appropriate mitigation measure for direct, project-specific impacts from a project. Although it may be appropriate to provide for partially reimbursing an applicant who funds an improvement that also happens to benefit other property owners going forward, it is not adequate project-specific mitigation to simply require an applicant to pay a fee that would contribute to the construction of improvements at some unknown future date.

[2] We note the same deficiencies are present in MM 3.12-2, which must also be corrected.

Here, the City's EIR ultimately determines that "because improvements may not be completed simultaneously with need [the traffic and circulation] impacts [are] considered *significant and unavoidable*." Although this conclusion may represent a conservative approach under CEQA, it highlights the fact that the City may not currently approve the Project as proposed as doing so would violate General Plan Policy TR-P2.3, which states that "[t]he city *shall maintain* Level of Service of 'D,' as defined in the Highway Capacity Manual." (Tulare General Plan, TR-P2.3 (Oct. 2014) p. 3-14.) Because Mitigation Measure 3.12-1 does not even purport to ensure that LOS will remain at D or better, approval of the Project would constitute a violation of the General Plan and the Planning and Zoning Law. The City *must* go back and conduct a new, sufficient analysis of potential impacts and commit to mitigation that ensures that, on opening day, the Project will not degrade LOS below D. A-24

B. Mitigation Measure 4.0-1

To mitigate for cumulative impacts from the Project, Mitigation Measure 4.1-0 requires the Project applicant to:

> pay its equitable share cost toward all identified intersection improvements consistent with [MM] 3.12-1. Additionally, the City shall monitor and evaluate traffic at the 10-year and 15-year time period to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway.
>
> (Draft EIR, p. 4.0-27.)

A-25

This mitigation measure is flawed for a number of reasons. First, as explained above, Mitigation Measure 3.12-1 does not actually require a fair share payment, and there is no identified fee program that will mitigate for the Project's impacts. Second, Mitigation Measure 4.1-0 only requires monitoring and evaluation of traffic after 10 years and 15 years. Even based on the flawed traffic study, one can surmise that there is a very high likelihood that a traffic signal will be warranted on the Project's opening day; but under Mitigation Measure 4.1-0, the Project applicant could ignore those impacts for the

first 10 years. Third, the measure indicates that if a signal warrant is met, the applicant shall fund the addition of a median and modification of the intersection; but the measure does not actually require the necessary signalization of the intersection. A-25 Con't

V. The City must recirculate a revised TIA and Transportation and Circulation chapter before considering taking action to approve the Project.

An EIR must be recirculated when significant new information is added to the EIR after public review but before certification. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5, subd. (a).) Recirculation is triggered, for example, where "[t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines, § 15088.5, subd. (a)) Recirculation is also required when information not provided in a draft EIR "reveals, for example, a new substantial impact or a substantially increased impact on the environment." (*Vineyard, supra*, 40 Cal.4th at p. 447; see also CEQA Guidelines, § 15088.5, subds. (a)(1), (a)(2).) A-26

As explained in great detail above and in Griffin Cove's letter, the TIS and EIR rely on patently inadequate assumptions and analysis. Because of the inadequate assumptions, the TIS and EIR very likely did not identify significant impacts from the Project. In addition, the TIS did identify significant impacts that are not recognized or discussed in the EIR text. Moreover, the mitigation measures improperly defer mitigation, in part because it is not possible to develop adequate mitigation without an adequate traffic study. Because of these deficiencies, both Love's and the public at large are unable to understand the potentially significant impacts from the Project. For these reasons, the City must revise the analysis and mitigation measures in the TIS and the Transportation and Circulation chapter and recirculate them for additional public commentary.[3]

[3] All other analyses for the Project that rely on the traffic analysis, including air quality, greenhouse gases, and noise, must also be revised; and they should be recirculated as well if new significant effects are revealed or there are any substantial increases in any previously-identified effects.

VI. Conclusion

In summary, the current TIS and the Draft EIR are inadequate under CEQA, and approval of the Project based on the current record would violate the City's General Plan. We urge the City not to approve the Project or to certify the EIR until the serious problems identified above are addressed in a new TIS and Transportation and Circulation chapter and the documents are recirculated for additional public comment. We also request, via Public Resources Code section 21092.2, subdivision (a), and the California Public Records Act (Gov. Code, § 6250 et seq.), that the City provide us with notice of any documents prepared or actions to be taken on the Project.

A-26 cont'd

We would be happy to discuss our concerns at any time and can be reached as indicated at the bottom of page one of this letter. We can also make our client available to City officials interested in taking a problem-solving approach to the issues identified herein. Indeed, the ultimate interest of Love's is that, if the City eventually approves the proposed Pilot project in some form, the Project will not overwhelm the infrastructure in the immediate area (i.e., LOS D will be maintained) or create ingress and egress problems for Love's. Love's employs good, creative engineers who might be able to assist in identifying potential solutions.

Very truly yours,

Elizabeth R. Pollock for

James G. Moose

cc: Josh McDonnell
Heather N. Phillips
Willard Epps
Trisha Whitfield
Mayor and City Council
Greg Love
Rick Shuffield

EXHIBIT A

Griffin Cove Transportation Consulting, PLLC

June 8, 2018

Mr. James G. Moose
Remy Moose Manley LLP
555 Capitol Mall, Suite 800
Sacramento, California 95814

Subject: ***Proposed Tulare Pilot Flying J***
Draft Environmental Impact Report – Transportation and Circulation
Tulare, California

Dear Mr. Moose:

As requested, Griffin Cove Transportation Consulting, PLLC (GCTC) conducted a review of the transportation and circulation study completed with respect to the proposed Tulare Pilot Flying J project ("Project") in Tulare, California. The Project is the subject of a Draft Environmental Impact Report (DEIR) prepared for the City of Tulare Community Development Department (Reference: De Novo Planning Group, *Draft Environmental Impact Report for the Tulare Pilot Flying J*, May 1, 2018.) The DEIR incorporates (as Appendix F) a traffic impact study prepared by Stantec. (Reference: Stantec, *Final Report - Traffic Impact Study of Proposed Pilot Travel Center*, March 16, 2018.)

Our review focused on the technical adequacy of the transportation and circulation analysis presented in the DEIR and the Stantec study, including the detailed procedures and conclusions documented there. As explained below, the traffic analysis is flawed in several respects and the conclusions in the DEIR regarding traffic impacts are unsupported and contrary to the evidence. For the reasons explained below, the flaws and omissions in the study support a reasonable inference that the proposed project may have significant traffic impacts, in my professional judgment.

SUMMARY OF FINDINGS

Our key findings with respect to the deficiencies in the DEIR Transportation and Circulation analysis are summarized below:

- The Project will violate the *City of Tulare General Plan* policy that requires intersections to operate at Level of Service (LOS) D or better. This is a significant impact that was not revealed in the DEIR. More importantly, though, the City cannot approve the Project under the circumstances, as a violation of a mandatory General Plan policy is a violation of the California Planning and Zoning Law, and thus is not a mere "impact" that can allowed to occur through the issuance of a Statement of Overriding Considerations, as the City apparently intends.

- The Project trip generation estimate is based on too little data, and that data was collected at a facility that is not sufficiently comparable to the Project, in part because that facility was relatively new when the counts were performed, so its level of patronage had not fully developed. In addition, it is not as readily accessible to freeway traffic as the Project, and the volume of freeway traffic near that site is substantially lower than the comparable volume at the Project site. In general, the trip generation estimate does not accurately reflect the anticipated volume of traffic associated with the Project.

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- The projected geographic distribution of Project-generated trips exhibits a failure to understand the characteristics of the Project, particularly with respect to the volume and orientation of freeway traffic.
- The analysis does not accurately reflect the volume of truck traffic in the study area, leading to overly optimistic conclusions regarding existing and projected traffic operations.
- The level of service results for unsignalized intersections and roundabouts are improperly reported. Specifically, they fail to conform to the level of service definitions presented in the Transportation Research Board's *Highway Capacity Manual*, as required by the *City of Tulare General Plan*. Consequently, the reported analysis results present overly-optimistic views of projected traffic operations, and two significant impacts were not revealed in the DEIR.
- The DEIR omitted analyses of freeway on- and off-ramps, which were presented in the Stantec document, depriving the public of key information regarding the impacts of the Project.
- The assumptions regarding the roadway system that will exist in the year 2036 cumulative conditions scenarios are unrealistic, as there is no certainty that the substantial future improvements included in the analysis will actually occur, at least in part due to the fact that no funding is programmed for those major improvements.
- The future year freeway traffic volume projections are flawed.
- The DEIR fails to address projected adverse conditions along the Project frontage on Blackstone Street under cumulative conditions. Projected queues of vehicles will effectively block access to the Project and the existing Love's facility on the east side of the street. As a result, Project traffic will be diverted to the proposed Paige Avenue driveway, which will impact traffic operations at Blackstone Street/Paige Avenue in ways that have not been addressed in the DEIR. The Love's facility, on the other hand, has no access to Paige Avenue, so no alternative access location will be available to its patrons.
- The mitigation measures identified for Existing Plus Project conditions are deficient, in that they call for fair share contributions and fee payments, which are inadequate and inappropriate to respond to the direct impacts associated with the Project. Further, no evidence has been presented relative to the existence of any fee-based capital improvement program or other funding or financing mechanism with sufficient capital resources to be able to fully fund the required improvements within a foreseeable time frame. Also, specific physical improvements have not been adequately detailed in the mitigation measure, as presented.
- The DEIR must clarify exactly what Project-related improvements will be in place and operational on the opening day of the Project, and provide adequate assurance of their implementation in that time frame.
- The cumulative conditions mitigation measures are also deficient and poorly defined.
- The truck access analysis fails to demonstrate that all trucks that will likely be attracted to the Project will be able to enter and exit the site safely.

Each of these issues is addressed in detail below.

TRAFFIC IMPACT STUDY REVIEW

Our review of the traffic impact study for the proposed Tulare Pilot Flying J project revealed several issues that render the DEIR inadequate and that must be addressed prior approval of the Project by the City of Tulare. These issues are presented below.

1. ***General Plan Compliance*** – The DEIR describes relevant goals and policies contained within the *City of Tulare General Plan* beginning at p. 3.12-10. Among those, Policy TR-P2.3 states:

   > ***Level of Service Standard.*** *The City shall maintain Level of Service of "D", as defined in the Highway Capacity Manual (published by the Transportation Research Board of the National Research Council), as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate.*

   Implementation of the Project will result in violations of this mandatory policy, however. Under Existing Plus Project conditions, for instance, the DEIR has designated the Project impacts at several study intersections as significant and unavoidable, ". . . because improvements may not be completed simultaneously with need . . ." (DEIR, p. 3.12-16) The failure to complete the necessary mitigation measures concurrently with (or in advance of) completion of the Project will result in traffic operations that fall short of the required LOS D at the following study intersections, according to DEIR Table 3.12-7 (p. 3.12-13):

   - Laspina Street/Paige Avenue – LOS F in the PM peak hour,
   - State Route 99 Northbound Off-ramp/Paige Avenue – LOS F in the PM peak hour, and
   - State Route 99 Southbound Off-ramp/Paige Avenue – LOS E in the AM and PM peak hours.

   As will be described in greater detail below, similar Project-related violations of the General Plan policy will occur at the intersection of Blackstone Street/Paige Avenue under cumulative conditions. In addition, DEIR Table 4.0-10 (p. 4.0-26) reveals that the two northbound study segments on State Route 99 (SR 99) are both projected to operate at LOS F (i.e., in excess of capacity) under "20-Year Cumulative Plus Project" conditions, and no mitigation is offered to remedy these substantial deficiencies.

   Finally, with respect to the analysis of cumulative conditions traffic operations, the DEIR concludes (p. 4.0-27):

   > *In summary, due to the fact that signalization of all intersections identified under the signalization alternative cannot be guaranteed at this time, impacts related to this topic would be* **cumulatively considerable** *and* **significant and unavoidable**. [Emphasis not added]

   According to DEIR Table 4.0-7 (p. 4.0-22), the failure to implement traffic signal control at the currently-unsignalized intersections would result in LOS F at those locations under "20-Year Cumulative Plus Project" conditions with existing traffic control. This is clearly a violation of the General Plan requirement to operate at LOS D. The DEIR authors do not appear to understand that these violations of the General Plan LOS D policy are fatal to the Project, which cannot lawfully be approved unless it is consistent with the City's General Plan.

2. ***Project Trip Generation*** – The trip generation estimates for the Project are presented at DEIR Table 3.12-6 (p. 3.12-8) and Stantec Table 7 (p. 17). The trip generation values for the Project were

developed based on counts conducted at the existing Pilot Travel Center in Patterson, California. (DEIR, p. 3.12-8 and Stantec, p. 16) We have several concerns regarding the validity of the Project trip generation estimates.

A. *Sample Size and Data Collection Requirements*

First, we are concerned that the trip generation estimates for the Project are based on a sample size of one; that is, the data used to develop the trip generation estimates was collected at a single location on a single occasion. The Institute of Transportation Engineers (ITE) *Trip Generation Handbook* (Third Edition, August 2014, p. 26) says to collect local data when the:

> *Data plot has only one or two data points (and, preferably, when five or fewer)[.]*

Further, the *Trip Generation Handbook* (p. 29) addresses the preferred sample size for selecting appropriate trip generation rates from those available in the ITE *Trip Generation Manual* (ITE, Ninth Edition, 2012):

- *If the number of data points is **one or two**, either (1) consider the use of a different independent variable and its associated data pages, or (2) collect local data and establish a local or consolidated rate. Refer to Chapter 9 for guidance.*
- *If the number of data points is **three, four, or five**, the analyst is encouraged to collect local data and establish a local or consolidated rate . . .* [Emphasis not added]

In summary, only if the sample size is six or more does the ITE handbook indicate that it is acceptable to proceed with the analysis. Obviously, a single data point is inadequate to represent a valid indication of the trip generation characteristics of any land use.

B. *Existing Patterson Pilot Travel Center is Not Comparable to Project*

We also question whether the existing Pilot Travel Center is sufficiently similar to the Project. In particular, we note that the Patterson facility was relatively new when the counts were performed. Consequently, its level of patronage (and corresponding traffic volumes) had not fully developed, as it was somewhat unknown to potential patrons. In addition, the Patterson facility is located over three-quarters of a mile from the freeway and is, therefore, not as visible or readily accessible to freeway traffic as the Project site.

This is important because the vast majority of the traffic associated with the Project is oriented to/from the nearby State Route 99 (SR 99) freeway. Specifically, the estimated Project trip distribution shown in the DEIR (Figure 3.12-3 – Project Trip Distribution, p. 3.12-25) and the Stantec report (Figure 4 – Project Trip Distribution, p. 19) indicates that 69 percent of the Project's truck traffic and 50 percent of the fast food and non-truck traffic will be oriented to and from the freeway. (The trip distribution assumptions employed in the traffic impact study will be addressed in greater detail later.)

Other studies have shown greater freeway percentages. For example, a recent study for a proposed E-Z Trip Travel Center in Fresno County, California, showed that 90 percent of the project traffic would be freeway-oriented. (Reference: Peters Engineering Group, *Traffic Impact Analysis – Proposed E-Z Trip Travel Center*, November 16, 2016.) Further, the average freeway percentage in three studies of similar facilities (cited later in this report) was 82 percent, while data collected at six Love's Travel Stops & Country Stores showed an average of over 87 percent freeway traffic.

In short, a heavy orientation of trips to and from the nearby freeway is typical of such facilities. Consequently, the volume of traffic at these facilities is highly dependent upon the volume of traffic on the freeway that is served by the travel center. A review of Caltrans traffic volume data reveals that the volume on SR 99 near the Tulare Project site is substantially greater than the volume of traffic on Interstate 5 (I-5) near the Patterson site where trip generation data was collected. (According to the data collection sheets presented in Appendix C to the Stantec report, the Patterson Flying J is located at the Sperry Avenue interchange on I-5.)

Table 1 summarizes a comparison of freeway traffic volumes at the two locations for the years 2014, 2015, and 2016 (the most recent available data). Attachment A contains the Caltrans data sheets.

As shown, the daily traffic volumes on SR 99 at Paige Road are consistently greater than the volumes on I-5 at Sperry Avenue. With respect to the volumes in the year 2014, which served as the basis for the traffic impact analysis, the SR 99 volumes were as much as 16.3 percent higher than the I-5 volumes. Looking at the more recent data, we see that in 2016, the SR 99 volumes were as much as 36.6 percent higher than the corresponding I-5 volume.

Given this considerable disparity between the I-5 and SR 99 traffic volumes, it is readily apparent that the amount of traffic that will be diverted from SR 99 to the Project will substantially exceed the volume of traffic diverted from I-5 to the Patterson facility. Despite this, the DEIR traffic analysis has improperly assumed that the Project will generate exactly the same number of AM and PM peak-hour trips as the Patterson facility. To be reasonable, the Patterson data must be adjusted to reflect the circumstances that prevail in the vicinity of the Tulare Project.

Table 1
Daily Traffic Volume Comparison
Interstate 5/Sperry Avenue vs. State Route 99/Paige Road

Year	Direction from Interchange	Annual Average Daily Traffic (AADT)		
		Interstate 5 at Sperry Avenue	State Route 99 at Paige Road	% Difference
2014[1]	South	40,000	46,500	+16.3%
	North	43,000	48,500	+12.8%
2015[2]	South	41,000	50,000	+22.0%
	North	44,500	53,000	+19.1%
2016[3]	South	41,000	56,000	+36.6%
	North	47,600	57,000	+19.7%

References:
1 Caltrans, *2014 Traffic Volumes on California State Highways.*
2 Caltrans, *2015 Traffic Volumes on California State Highways.*
3 Caltrans, *2016 Traffic Volumes on California State Highways.*

In summary, the trip generation estimate for the proposed Project substantially understates the volume of Project-related traffic, and the Project's traffic impacts have been similarly understated.

C. *Questionable Trip Generation Breakdown for Project Components*

As noted above, the DEIR traffic analysis assumed that the Project will generate exactly the same total number of AM and PM peak-hour trips as the Patterson facility. However, the DEIR analysis has classified those totals into four separate trip types: truck fueling, RV fueling, auto fueling, and fast food restaurant. No information is provided with respect to how the total trips derived from driveway counts at the Patterson facility were disaggregated into the four categories. This is important because the truck fueling trips were multiplied by a "passenger car equivalent" factor of 3.0 to reflect their lower operating characteristics. (This is described in greater detail below.) If the number of truck fueling trips was underestimated, then the impacts of the Project traffic will have also been underestimated.

D. *Fast Food Trip Generation Underestimated*

Although the trip generation data collected at the Pilot Travel Center in Patterson, California consisted only of counts at the facility's driveways, the DEIR traffic analysis shows trip rates and the number of trips associated with four separate Project components: truck fueling, RV fueling, auto fueling, and fast food restaurants. As noted above, no explanation is provided to clarify how the total trip values derived from the driveway counts were broken down into those four categories.

Of particular concern is the estimate of trips associated with the proposed 2,370-square-foot (SF) fast food restaurant(s). As the DEIR and the Stantec report both note, trip generation estimates for proposed projects are typically developed using information presented in the *Trip Generation Manual* (Institute of Transportation Engineers, Ninth Edition, 2012). Table 2 presents a comparison of the fast food trip generation rates used in the DEIR analysis to the corresponding rates presented in the ITE document. As shown, the ITE rates are substantially higher than the rates employed in the DEIR analysis, particularly in the AM peak hour.

Table 2
Fast Food Trip Generation Rate Comparison

Source	Trip Generation Rate (Trips/1,000 SF)		
	Daily	AM Peak Hour	PM Peak Hour
DEIR[1] / Stantec[2]	436.2	18.7	26.7
ITE *Trip Generation Manual*[3]	496.12	45.42	32.65
Percent Difference	+13.7%	+142.9%	+22.3%

Notes:
1 DEIR, Table 3.12-6: Proposed Project Trip Generation, p. 3.12-8.
2 Stantec, Table 7: Proposed Project Trip Generation, p. 17.
3 Institute of Transportation Engineers, *Trip Generation Manual*, Land Use Code 934 – Fast-Food Restaurant with Drive-Through Window, p. 1912 – 1914.

Table 3 illustrates the specific effect of this underestimation of fast food trips.

Table 3
Fast Food Trip Generation Comparison

Source	Trip Generation Estimate		
	Daily	AM Peak Hour	PM Peak Hour
DEIR[1] / Stantec[2]	1,191	51	73
ITE *Trip Generation Manual*[3]	1,354	124	89
Difference	163	73	16

Notes:
1 DEIR, Table 3.12-6: Proposed Project Trip Generation, p. 3.12-8.
2 Stantec, Table 7: Proposed Project Trip Generation, p. 17.
3 Institute of Transportation Engineers, *Trip Generation Manual*, Land Use Code 934 – Fast-Food Restaurant with Drive-Through Window, p. 1912 – 1914.

The volume of fast food-related trips has been substantially underestimated in the DEIR analysis, particularly in the AM peak hour and on a daily basis. As noted earlier, the DEIR/Stantec trip distribution for the Project indicates that half of these trips will be on the local street system with the other half being freeway-oriented. Thus, the potential impacts of the Project on freeway ramps and local street intersections have been understated in the DEIR.

E. *Inadequate Trip Generation Analysis for Truckers' Services*

We note that the DEIR Project Description (p. 2.0-2) states that the Project will include a 14,967 SF building with the following components:

- Driver's lounge,
- Game room,
- Pay phones,
- ATMs,
- Western Union Check Cashing,
- Wi-Fi,
- Restroom facilities, including nine showers,
- Laundry, and
- Two quick-serve restaurants.

As noted above, the fast food restaurants will constitute 2,370 SF, so the remainder of the facilities listed above will encompass 12,597 SF.

However, the Project trip generation estimate presented at DEIR Table 3.12-6 (p. 3.12-8) and Stantec Table 7 (p. 17) fails to account for this "truckers' services" component of the Project, as listed above. Ignoring this key component of the Project will likely lead to underestimation of the Project's trip generation, which could, in turn, result in understatement of the Project's traffic impacts.

F. *Passenger Car Equivalent Adjustment*

According to the Stantec report (p. 5), the Project includes nine diesel fueling positions for trucks and recreational vehicles (RV) plus three additional fueling positions for RV. The Project trip generation estimate applies an appropriate adjustment to the estimated truck traffic to convert those volumes to "passenger car equivalents" or PCE. This adjustment is intended to reflect the fact that trucks have lower operating capabilities than passenger cars (e.g., they accelerate more slowly and require a greater distance to stop). However, no PCE adjustment was applied to the RV traffic that will be attracted to the Project.

The intersection level of service calculations were performed using procedures documented in the *Highway Capacity Manual* (Transportation Research Board, 2010.) According to that document (p. 18-10):

> *A heavy vehicle is defined as any vehicle with more than four tires touching the pavement.*

A second definition expands upon that basic description (p. 11-13):

> *A heavy vehicle is defined as any vehicle with more than four wheels on the ground during normal operation. Such vehicles are generally categorized as trucks, buses, or RVs.*

Clearly, RV traffic should be treated the same as truck traffic, including the application of a PCE factor. The failure to apply the PCE adjustment factor to RV trips means that the intersection delay estimates understate the impacts of the Project.

Trip Generation Summary

In summary, the trip generation estimate prepared for the Project lacks credibility, as it is based on insufficient data and several of the specific factors applied in developing the estimate have not been adequately substantiated. These numerous deficiencies raise significant questions regarding the validity of the Project trip generation estimate.

3. ***Freeway Truck Percentage*** – The DEIR/Stantec traffic analysis assumed that trucks constitute 20 percent of the SR 99 traffic. This percentage was apparently based on Caltrans data from 2014 for SR 99 at its junction with State Route 137, north of the project site. Comparable data from 2015 and 2016 show 24 percent trucks at that location. (No 2017 data are available yet.)

   Interestingly, if you look in the other direction (i.e., south of the project site at Avenue 200), Caltrans shows generally higher truck percentages: 22 percent in 2014, 25 percent in 2015, and 27.61 percent in 2016. It is important to recognize that the 25 percent and 27.61 percent values cited here were "verified" by Caltrans, whereas the 20 percent value employed in the DEIR analysis was only an estimate. (Attachment B presents the pertinent Caltrans data sheets.)

   The percentage (and, therefore, the number) of trucks in the study area was understated in the traffic analysis. The lower performance characteristics of trucks means that, compared to passenger cars, they have greater detrimental effects on traffic operations, but this was not adequately reflected in the analysis. Consequently, a misleading and overly optimistic indication of study area traffic operations was presented.

4. ***Intersection Truck Percentage*** – The DEIR/Stantec traffic analysis assumed that 14 percent of the traffic on Paige Avenue is trucks, based on a vehicle classification count performed on October 27, 2015. This value, however, is based on a misinterpretation of the data.

   Specifically, the Federal Highway Administration (FHWA) has defined 13 classes of vehicles. Of those, Classes 5 – 13 are defined as "heavy vehicles." Review of the vehicle classification count data sheets in Appendix C of the Stantec report reveals that the 14 percent value used in the DEIR analysis was based on Classes 6 – 13 only. If we appropriately add in Class 5, the percentage increases to 17 percent. (Attachment C presents the FHWA classification scheme.)

   In addition, it is interesting to note that the analysis assumed that all approaches at the freeway ramp intersections would have 14 percent trucks, even though the freeway mainline has a higher percentage. This is inappropriate, as it is reasonable to expect that ramp traffic reflects the characteristics of the freeway mainline, not the local streets; thus, the higher percentage should be used. For off-ramp intersections, the freeway truck percentage should be applied to the off-ramp approach to the study intersection. For freeway on-ramps, the turning movements associated with vehicles turning onto the on-ramp should use the freeway percentage.

   By failing to fully account for the volume of trucks at the study intersections, the DEIR underestimates the intersection delay values.

5. ***Project Trip Distribution*** – Trip distribution describes the geographic orientation of traffic traveling to and from the Project site. In the case of a travel center, such as the proposed Project, the trips are heavily oriented to/from the freeway. According to the DEIR traffic study, the Project-related trip distribution is as follows:

   - Total SR 99 freeway traffic
     - Trucks: 69 percent
     - Fast Food and Non-trucks: 50 percent
   - To/from the north
     - Trucks – 37 percent
     - Fast Food and Non-trucks – 37 percent
   - To/from the south
     - Trucks – 32 percent
     - Fast Food and Non-trucks – 13 percent

   Thus, as shown, only 69 percent of the truck traffic and 50 percent of the non-truck traffic were assumed to be freeway-oriented.

   In contrast, data collected at six existing Love's Travel Stop & Country Store locations (including the location on South Blackstone Street in Tulare) indicates that over 87 percent of the patrons are freeway travelers. In Tulare, those patrons generally exit the freeway at Paige Avenue, then continue on in the same direction on the freeway after a stop at Love's. The freeway percentages for the six Love's facilities surveyed are as high as 94 percent, as follows:

   - Lost Hills: 94.4 percent,

- Santa Nella: 91.4 percent,
- Lodi: 89.4 percent,
- Coachella: 87.1 percent,
- Barstow: 86.8 percent,
- Tulare: 78.3 percent, and
- Average: 87.6 percent.

An internet search revealed several traffic impact studies for other travel centers in central California, including information regarding their expected geographic trip distribution:

- Fresno County, California (Reference: Peters Engineering Group, *Traffic Impact Study – Proposed E-Z Trip Travel Center*, November 16, 2016.)
    - Total I-5 freeway traffic: 90 percent.
        - Northbound: 45 percent
        - Southbound: 45 percent
- Williams, California (Reference: Fehr & Peers, *Final Traffic Report – Love's Country Store (Williams, CA)*, August 2016)
    - Total I-5 freeway traffic: 85 percent.
        - Northbound: 55 percent
        - Southbound: 30 percent
- Madera County, California (Reference: Peters Engineering Group, *Traffic Impact Study – Proposed Travel Center*, January 25, 2016.)
    - Total SR 99 freeway traffic: 72 percent.
        - Northbound: 36 percent
        - Southbound: 36 percent

Pertinent excerpts from each of these studies are presented in Attachment D.

As noted above, on average, these studies estimated that 82 percent of the project-generated traffic would be freeway-oriented. Clearly, the DEIR traffic study has underestimated the amount of Project traffic that will be freeway-oriented. As a result, the Project's impact on the freeway mainline and freeway on- and off-ramps has been understated.

As is the case with the understatement of the percentage of trucks among the vehicles on SR 99, this understatement of freeway-oriented traffic is a particular concern at the SR 99 southbound off-ramp intersection at Blackstone Street, which already exhibits operational deficiencies. Examination of the intersection level of service calculation sheets in the Stantec appendices reveals that the critical movement at this location is the westbound left turn – i.e., the left-turn movement from the SR 99 off-ramp onto southbound Blackstone Street. Because of the location of this STOP-sign-controlled movement on the freeway off-ramp, the potential exists for exiting traffic to queue back onto the SR

99 mainline, creating a significant safety issue. Table 4 summarizes operating conditions on that left-turn movement, based on the Stantec delay calculations.

Table 4
Level of Service Summary[1]
State Route 99 Southbound Off-ramp/Blackstone Street
Westbound Left-Turn

Analysis Scenario	AM Peak Hour		PM Peak Hour	
	Delay[2]	LOS[3]	Delay	LOS
Existing Conditions	22.5	C	18.0	C
Existing + Project	51.4	F	38.5	E
Existing + Approved Projects	28.1	D	20.5	C
Existing + Approved Projects + Project	81.7	F	54.2	F

Notes:
1 Reference: Stantec, *Final Report - Traffic Impact Study of Proposed Pilot Travel Center*, March 16, 2018.
2 Seconds/vehicle.
3 Level of service.

As shown, even with the faulty trip distribution employed in the DEIR traffic analysis, the westbound left-turn movement at the SR 99 southbound off-ramp at Blackstone Street will operate at unacceptable levels of service upon addition of the Project traffic. Under Existing Plus Approved Projects Plus Project conditions, that movement is projected to operate at LOS F, which indicates that traffic demand will exceed the capacity of the movement. A more realistic assessment of the Project's geographic trip distribution would likely include more traffic on the SR 99 freeway and, consequently, a greater Project impact at this key off-ramp intersection.

The specific nature of the Project trip distribution percentages is also unusual. In particular, for a travel center such as the Project, the typical traffic pattern involves a diversion from the freeway. As described in the Stantec report (p. 18), these are referred to as "diverted-linked" trips. For example, a driver traveling to the south on SR 99 exits the freeway, purchases fuel and/or food at the Project (or uses other facilities without making a purchase), then continues on to the south. The same pattern applies to northbound traffic. This pattern is reflected in the trip distribution diagrams presented in Attachment A. The diagram for the Williams project is particularly effective in illustrating this travel pattern.

In comparison, the "asymmetrical" trip distribution pattern shown in the DEIR traffic study suggests that drivers approaching the Project from the north will then return to the north and those approaching from the south will return to that direction. This is particularly evident when considering the "fast food and non-truck traffic" percentages shown on DEIR Figure 3.12-3 – Project Trip Distribution (p. 3.12-25) and Stantec Figure 4 – Project Trip Distribution (p. 19). The study has assumed that 37 percent of those trips will be on SR 99 to the north of the Project site, while only 13 percent of those trips will be on SR 99 south of the site. (The same issue applies to the "truck traffic" assumptions, though to a lesser degree, with 37 percent to/from the north and 32 percent to/from the south.)

This is inconsistent with the concept of diverted-linked trips, as it applies to freeway-oriented travel centers. Instead of treating these trips as a simple diversion from the freeway, it unrealistically assumes that trips either return to the direction from which they came or that the freeway trips are linked with local destinations (e.g., that a driver approaching from the south on SR 99 travels to a local destination after stopping at the Project, or vice versa). While some level of that sort of activity is possible, the assumptions in the DEIR are unrealistic, based on the information presented in the other similar studies cited above.

In short, the Project's assumed trip distribution is seriously flawed. Consequently, the subsequent assignment of Project-generated trips to the study intersections and freeway facilities is inaccurate, which leads to faulty findings regarding the traffic impacts of the Project, particularly with respect to the Project's impacts on freeway ramps and the ramp-related intersections. The traffic analysis must be revised to incorporate a set of trip distribution assumptions that accurately reflect the travel patterns associated the Project.

6. ***Unsignalized Intersection Level of Service*** – For unsignalized (i.e., STOP-sign-controlled) intersections, the Stantec report (p. 10) says:

> *The LOS [level of service] is reported for the minor approach.*

This appropriately recognizes that the overall intersection delay values for these locations are irrelevant. However, the use of approach delays rather than movement delays is also inappropriate. An "approach" is a combination of lanes (and the associated "movements") oriented in a particular direction (e.g., northbound, southbound, etc.), and the approach delay is the weighted average of the delays for the individual movements on that approach. This average can mask the delays found for individual movements.

For example, DEIR Table 3.12-4 (p. 3.12- 6) shows the Existing Conditions intersection level of service results. For the State Route 99 Northbound Off-ramp/Paige Avenue intersection, the DEIR reports AM peak hour delay of 16.6 seconds/vehicle (LOS C). However, review of the relevant LOS calculation sheet in the Stantec appendix reveals that the critical northbound approach has a delay value of 23.1 seconds/vehicle (LOS C), which is almost 40 percent greater. More importantly, the critical movement delay applies to the northbound left turn, which has a delay value of 31.6 seconds/vehicle (LOS D). Somewhat similar numbers apply to the PM peak hour.

With regard to unsignalized intersections, the *Highway Capacity Manual* (Transportation Research Board, 2010, p. 19-1) specifically says:

> *For motor vehicles, LOS is determined for each minor-street* ***movement*** *(or shared* ***movement****) as well as major-street left turns by using criteria given in Exhibit 19-1. LOS is not defined for the intersection as a whole or for major-street approaches for three primary reasons: (a) major-street through vehicles are assumed to experience zero delay; (b) the disproportionate number of major-street through vehicles at a typical TWSC [two-way stop control] intersection skews the weighted average of all movements, resulting in a very low overall average delay for all vehicles; and (c) the resulting low delay can mask important LOS deficiencies for minor movements.* [Emphasis added]

Moreover, according to the DEIR (p. 3.12-10), the *City of Tulare General Plan* policy regarding level of service is:

> *The City shall maintain Level of Service "D", **as defined in the Highway Capacity Manual** (published by the Transportation Research Board of the National Research Council), as the minimum desirable service level at which freeways, arterial streets, collector streets, and their intersections should operate.* [Emphasis added]

To test the effect of this misinterpretation of the criteria for determining level of service at unsignalized intersections, we have reviewed the LOS calculation sheets provided in the Stantec appendices and compared the results presented there to the information presented in the LOS summary tables. Table 5 presents the results of that effort for Existing and Existing Plus Project conditions.

Table 5
Level of Service Summary[1]
Existing Plus Project Conditions

Intersection	Traffic Control	Existing Conditions				Existing Plus Project			
		DEIR		Critical Movement[4]		DEIR		Critical Movement[4]	
		Delay[2]	LOS[3]	Delay	LOS	Delay	LOS	Delay	LOS
AM Peak Hour									
Foster St./Turner Dr.	OWSC[5]	10.9	B	11.7	B	11.9	B	12.9	B
Foster St./Sunset St.	OWSC	13.9	B	19.2	C	15.1	C	21.5	C
SR 99 NB Off-ramp/Paige Ave.	OWSC	16.6	C	31.6	D	7.6	A	88.1	F
SR 99 SB Off-ramp/Paige Ave.	TWSC[6]	20.3	C	22.5	C	46.0	E	51.4	F
PM Peak Hour									
Foster St./Turner Dr.	OWSC	11.7	B	13.2	B	12.9	B	17.0	C
Foster St./Sunset St.	OWSC	14.1	B	19.1	C	15.4	C	21.6	C
SR 99 NB Off-ramp/Paige Ave.	OWSC	17.6	C	30.3	D	62.3	F	123.4	F
SR 99 SB Off-ramp/Paige Ave.	TWSC	17.0	C	18.0	C	36.3	E	38.5	E

Notes:
1 Reference: Transportation Research Board, *Highway Capacity Manual*, 2010.
2 Average control delay (seconds per vehicle).
3 Level of service.
4 Delay value represents the worst-case movement.
5 One-Way Stop Control
6 Two-Way Stop Control

Although, in most cases, the corrected results are not considerably different from the faulty results presented in the DEIR, there are several cases in which a substantial difference was found. All of those cases involve the intersection of the SR 99 Northbound Off-ramp/Paige Avenue. Under

Existing Conditions, the DEIR indicates that this location operates at LOS C in both the AM and PM peak hours. However, the LOS calculation sheet shows that the critical movement is at LOS D in both peak hours, and the average delay value is 12 – 15 seconds/vehicle greater than the DEIR indicates.

Under Existing Plus Project conditions, in the AM peak hour, the DEIR reported that the intersection would operate at LOS A, with an average delay value of 7.6 seconds/vehicle. In reality, the analysis showed that it would operate at LOS F (i.e., beyond capacity) with an average delay of 88.1 seconds/vehicle. In the PM peak hour, although the LOS F value is unchanged, the intersection delay value will be 123.4 seconds/vehicle, which is almost double the 62.3 seconds/vehicle result shown in the DEIR.

Thus, in the AM peak hour, the intersection of SR 99 Northbound Off-ramp/Paige Avenue will be degraded from an acceptable LOS D to unacceptable LOS F upon addition of the Project traffic. This constitutes a significant impact, which was not revealed in the DEIR.

7. ***Freeway Merge/Diverge Analysis*** – The Stantec traffic report documents the results of "merge/diverge" analyses at the freeway on- and off-ramps under Existing, Existing Plus Project, Existing Plus Approved Projects, and Existing Plus Approved Projects Plus Project conditions (pp. 14, 25, 30, and 36). For reasons that are not explained, no similar analyses are presented for cumulative conditions, although freeway segment analyses are provided for all scenarios.

   Moreover, none of the merge/diverge analyses are presented in the DEIR itself. This omission deprives the public of key information needed to fully comprehend the potential traffic impacts of the Project. Given the primary mission of a DEIR as an informational document under the California Environmental Quality Act (CEQA), this critical omission is unacceptable.

8. ***Cumulative Conditions Roadway System Assumptions*** – The analysis of cumulative conditions traffic operations at the study intersections addressed three scenarios:

   - Existing traffic control (including several STOP-sign-controlled intersections),
   - Traffic signal control (all study intersections would be signal-controlled and the SR 99/Paige Avenue interchange would be reconfigured, as shown on Stantec Figure 13 (p. 46) and Stantec Appendix G), and
   - Roundabout alternative (several study intersections would be reconstructed as roundabouts, as illustrated in Stantec Appendix G).

   For convenience, the drawings illustrating the signal control and roundabout alternatives are presented here as Attachment E.

   However, the Stantec report (p. 39) also explicitly states:

   > *Although the existing interchange has been identified as substandard by Caltrans, it is our understanding that no funding is currently programmed by the State of California for this project.*

   Therefore, only one of the intersection configuration alternatives evaluated in the DEIR traffic analysis is at all realistic, that being the "existing traffic control" scenario. The other two analysis scenarios are speculative due to the lack of any identified funding source for their implementation.

9. ***Cumulative Freeway Traffic Volumes*** – DEIR Table 4.0-6 (pp. 4.0-21 – 4.0-22) shows the "20-Year Cumulative No Project Freeway Segment LOS," including the long-term traffic volume forecasts. As shown there, the northbound AM peak-hour volumes (4,614 – 4,861 vehicles/hour) are roughly equal to the southbound PM peak-hour volumes (4,188 – 4,474 vehicles/hour). This represents a typical directional travel pattern on freeways near cities.

   One would similarly expect the northbound PM peak-hour volumes to be approximately equal to the southbound AM peak-hour volumes. This is not the case, however, as the northbound PM peak-hour volumes (6,266 – 6,412 vehicles/hour) are 50 – 70 percent higher than the southbound AM peak-hour volumes (3,759 – 4,164 vehicles/hour). These discrepancies carry over into the Cumulative Plus Project analysis.

   This inconsistency must be investigated and corrected. A revised freeway segment analysis for cumulative conditions must then be prepared and incorporated into a revised DEIR.

10. ***Driveway Traffic Volumes*** – Stantec Figure 5 (p. 21) illustrates the "Project Driveway Peak Hour Trips." For both peak-hour periods, we summed the total number of vehicles assigned to each of the driveways, both inbound and outbound. This process revealed that 17 inbound trips are unaccounted for in the PM peak hour. That is, according to the Project trip generation estimate (DEIR, Table 3.12-6 (p. 3.12-8) and Stantec, Table 7 (p. 17)), 190 inbound trips were projected for that time period. However, only 173 such trips are shown on Figure 5.

    This discrepancy must be corrected and the analysis revised accordingly.

11. ***Queue Lengths*** – Stantec Table 25 (p. 49) shows intersection level of service results for Cumulative Plus Project conditions, assuming implementation of the "roundabout alternative" presented in the *State Route 99/Paige Avenue Traffic Operations Report."* In the PM peak hour at Blackstone Street/Paige Avenue, while the overall intersection operates at an acceptable LOS D, the northbound approach is shown to have an average of 104.7 seconds (i.e., 1.75 minutes) of delay per vehicle, which represents operation at LOS F. Further, the queue is shown to be 1,253 feet long. This queue would extend beyond the southerly property line of the existing Love's Travel Stop & Country Store on the east side of the street.

    For comparison, the "no project" numbers are 21.5 seconds per vehicle of delay and a queue of 224.7 feet (which would terminate to the north of the northerly Love's driveway). Thus, addition of the Project traffic will cause the delay on the northbound intersection approach to increase by 83.2 seconds/vehicle (i.e., 387 percent) and the queue on Blackstone Street to increase by 1,028 feet (i.e., 457 percent). The level of service will decline from LOS C to LOS F.

    Because the analysis indicates that the overall intersection would operate at an acceptable level of service (LOS D), these significant Project-related impacts were simply ignored. However, as noted above, the *City of Tulare General Plan* level of service standard states that;

    > *The City shall maintain Level of Service "D", as defined in the Highway Capacity Manual . . .*

    The process for calculating the level of service for a roundabout is presented at p. 21-11 in the *Highway Capacity Manual*, which states:

    > *Compute the average control delay and determine LOS for each approach and the roundabout as a whole.*

Therefore, the *Highway Capacity Manual* defines roundabout level of service as incorporating both approach delay and overall intersection delay. This is further explained at p. 21-19 in that document:

> *The control delay for an approach is calculated by computing a weighted average of the delay for each lane on the approach, weighted by the volume in each lane.*

Various example problems are also presented in the *Highway Capacity Manual* to illustrate this concept (pp. 21-28 – 21-38).

In summary, degradation of the northbound roundabout approach at this intersection from LOS C to LOS F constitutes a significant impact under the *City of Tulare General Plan* level of service policy. This impact was not revealed in the DEIR, so the analysis must be revised and the DEIR must be recirculated for further public review.

We also note that no analysis was conducted to determine the effects of these deficient conditions on operation of either the Project's driveways or the driveways serving the existing Love's travel center on the east side of Blackstone Street.

The unacceptable conditions projected to occur on Blackstone Street will result in a diversion of exiting trips (including trucks) coming from within the Project site to the Paige Avenue driveway, where drivers will exit via a right turn. Drivers desiring to enter SR 99 southbound will then be required to make a left turn at the Paige Avenue/Blackstone Street intersection. If they were able to exit onto Blackstone Street (as they really desire), these drivers would represent northbound through traffic at that intersection. Because left turns have a greater impact on vehicular delay than through traffic, this diversion will increase the Project's impact at this intersection. That impact has not been addressed in the DEIR.

More importantly, perhaps, the 1,253-foot queue on Blackstone Street would virtually eliminate vehicular access to/from the existing Love's Travel Stop & Country Store on the east side of the street, as all of its driveways would be blocked and that facility has no direct access to/from Paige Avenue.

And the deficiencies in the analysis of Cumulative Plus Project conditions are not limited to the roundabout alternative. DEIR Table 4.0-8 (p. 4.0-24) and Stantec Table 24 (p. 48) summarize the "20-Year Cumulative Plus Project Intersections LOS (Signals Alternative)." According to both of those tables, the intersection of Blackstone Street/Paige Avenue is projected to operate at LOS D in the PM peak hour, with an average delay value of 50.6 seconds/vehicle. However, a review of the intersection level of service calculation sheets in Stantec Appendix G reveals that the intersection is truly projected to operate at LOS E, with an average vehicular delay value of 64.1 seconds/vehicle. For ease of reference, that calculation sheet is provided in Attachment F, where the analysis result is shown at the bottom of the sheet.

Again, this represents a clear violation of the General Plan policy requiring intersections to operate at LOS D or better, as well as a new (unrevealed) significant effect triggering recirculation of the Draft EIR. In this particular case, it is interesting to note that, in addition to the finding of LOS E operation for the overall intersection, two of the four intersection approaches (the westbound and the northbound) will also be at LOS E and the southbound approach is projected to operate at LOS F (with an average delay value of 115.0 seconds/vehicle – almost two minutes).

The analysis, as presented, does not reveal the queues on any of the intersection approaches, so it is not possible to comment on the effects of this situation on vehicular access at the existing and proposed driveways along Blackstone Street. It is reasonable to expect, however, that such queues will be considerable and, as with the roundabout alternative, patrons of both the Project and the existing Love's facility will have substantial difficulty in entering and exiting those locations.

Thus, detailed review of the cumulative conditions "signals alternative" scenario revealed the following:

- A significant impact will occur at the intersection of Blackstone Street/Paige Avenue, as the Project will cause the intersection level of service to be degraded from LOS C (Delay = 32.3 seconds/vehicle) to LOS E (Delay = 64.1 seconds/vehicle). This significant impact was not previously identified in the DEIR, and no mitigation measure has been offered to remedy the operational deficiency.
- The projected operation of the intersection at LOS E violates the *City of Tulare General Plan* requirement that intersections operate at LOS D or better. This inconsistency with the General Plan is also a significant impact.

A revised analysis must be performed that fully considers the issues presented above with respect to both the "roundabout alternative" and the "signals alternative."

12. ***Deficient Existing Plus Project Mitigation*** – Project-related significant impacts and the associated mitigation measures for Existing Plus Project conditions are presented beginning at DEIR p. 3.12-15. We have identified several issues relating to these measures.

Fair Share Contributions and Fee Payments as Mitigation

With regard to Impact 3.12-1 and Mitigation Measure 3.12-1 (which address intersection level of service impacts under Existing Plus Project conditions), the DEIR (p. 3.12-16) states:

> *The project would be required to contribute its fair share of funding towards the construction of improvements which would reduce impacts to study intersections.*

And, further:

> *The following mitigation measure would reduce impacts to study intersections to the greatest extent feasibly [sic] through the payment of fees to fund needed improvements, however, because improvements may not be completed simultaneously with need this impacts is considered* ***significant and unavoidable****.* [Emphasis not added]

However, it is important to recognize that fair share contributions and fee payments will have absolutely no mitigation effect, unless the remainder of the money necessary to complete the needed improvements is also currently or foreseeably available.

Moreover, the Existing Plus Project impacts that are addressed here are directly attributable to the Project. Therefore, the project should be fully responsible for implementing the required mitigation measures; fair share contributions and fee payments are inadequate and inappropriate. In theory, future reimbursement to the Project applicant from fees collected from other benefitting property owners in need of discretionary approvals from the City or Caltrans could be appropriate, so that, in the end, the applicant ends up only paying what some might consider to be its "fair share." But no

evidence has been presented relative to the existence of any fee-based capital improvement program or other funding or financing mechanism with sufficient capital resources to be able to fully fund the required improvements within a foreseeable time frame.

Mitigation is Uncertain

DEIR Mitigation Measure 3.12-1 (p. 3.12-16), which addresses the Existing Plus Project traffic impacts says:

> *. . . the Project proponent and the City shall negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction.*

We believe that requiring creation of a Development Agreement that will, at some later date, identify the specific form of the mitigation is an improper deferral of mitigation responsibility. The DEIR must identify the specific improvements needed to offset the significant impacts created by the Project, and this mitigation measure fails to do so.

Further, the second and third bullet points at Mitigation Measure 3.12-1 call for:

- *Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.*
- *Additional roadway widening as determined during project design.*

First, we note that there is no intersection of "SR 99 SB Off-ramp/Paige Avenue." The SR 99 southbound off-ramp intersects Blackstone Street, not Paige Avenue. This same issue afflicts the listing of study intersections at DEIR p. 3.12-5 as well as the intersection level of service tables for:

- Existing Conditions (Table 3.12-4, p. 3.12-6)
- Existing Plus Project (Table 3.12-7, p. 3.12-13)
- 20-Year Cumulative No Project (Table 4.0-3, p. 4.0-18), and
- 20-Year Cumulative Plus Project (Existing Traffic Control) (Table 4.0-7, p. 4.0-22).

More importantly, the mitigation measure fails to specify the "required lane geometry" or the nature and extent of the needed "additional roadway widening." In other words, the DEIR fails to describe what improvements will be completed in advance of the Project's opening day. What will be the lane configurations of the impacted intersections? How much roadway widening will be necessary and where will it occur? Is right-of-way for the needed widening available, or must it be acquired from private land owners?

Because the specific locations and amounts of any such widening are unknown, it is impossible to determine whether secondary impacts will occur. Moreover, the failure to specify the exact mitigation measures to be implemented by the Project deprives the public of the ability to understand the nature and extent of the improvements needed to remedy the significant traffic impacts generated by the Project. In short, this mitigation measure is so vague as to be virtually useless in determining whether the Project's impacts will, in fact, be mitigated. This might be the explanation for the failure of the

DEIR to present any "post-mitigation" intersection delay values, which constitutes a significant deficiency in the document. (Although the post-mitigation levels of service (but no delay values) are mentioned in passing in the DEIR text, this information is typically presented in tabular form to clearly indicate the beneficial effect of the required roadway system improvements.)

A similar shortcoming afflicts Mitigation Measure 3.12-2 (p. 3.12-17), which says:

> *Prior to Design Approval, the project proponent shall coordinate with the City to determine a potential need for new and/or upgraded bicycle lanes along adjacent roadways (i.e. Paige Avenue and Blackstone Street).*

Again, details regarding the necessary "new and/or upgraded bicycle lanes" must be spelled out in the DEIR.

Assurance of Traffic Signal Installation

Based on input from Caltrans, Mitigation Measure 3.12-1 also calls for:

> *Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue [Blackstone Street], SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue.*

Assurance must be provided that these signals will be in place and operational on the opening day of the Project.

13. ***Deficient Cumulative Mitigation*** – Mitigation Measure 4.0-1 (p. 4.0-27) addresses impacts at the Project's "first driveway" under cumulative conditions. As described at DEIR p. 3.12-19, this driveway would align with an existing driveway on the east side of Blackstone Street that serves the McDonald's Restaurant and Love's Travel Stop & Country Store.

    This mitigation measure states that:

    > *. . . the City shall monitor and evaluate traffic at the 10-year and 15-year time periods to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway.*

    This measure raises a number of issues:

    - What if a traffic signal is warranted prior to the 10-year time frame specified in the measure?
    - What happens if the "Project Applicant" is no longer associated with the Project in 10 or 15 years? Who will inherit the responsibility for funding the required improvements?
    - What steps will be taken to ensure that full access remains available to the McDonald's Restaurant and Love's Travel Stop & Country Store on the east side of Blackstone Street? The ability of patrons to enter and exit that site should not be degraded as a consequence of problems created by the Project.

- If the signal warrant analysis reveals that the minimum requirements for installation of a traffic signal have been met, why does the mitigation measure not call for such a signal, instead of turn restrictions that will simply divert the Project-created traffic problems to other locations while simultaneously creating new problems for other nearby land uses?

In short, this mitigation measure is ill-conceived and short-sighted, and it potentially creates more problems than it solves. An improved version of this measure must be defined.

14. ***Deficient Truck Access Analysis*** – The analysis of truck access and operations at the Project site is presented at DEIR pp. 3.12-18 – 3.12-19. This analysis addressed the ability of a "WB-50" truck to enter and exit the Project site, based on an evaluation of turning paths for that truck. The analysis did not address on-site truck circulation.

    As noted in the DEIR, a WB-50 truck is approximately 52 feet long. However, that is not the longest truck that might frequent the Project, so the access analysis does not constitute a thorough evaluation of the safety of truck access at the site. The Caltrans Office of Commercial Vehicle Operations defines the types and sizes of trucks that can be driven on various state highways, and the Caltrans *Highway Design Manual* illustrates the dimensions of the various design vehicles.

    Specifically, the *Highway Design Manual* (Caltrans, December 30, 2015, p. 400-12) states:

    > *The STAA [Surface Transportation Assistance Act of 1982] Design Vehicle in Figures 404.5A or B should be used on the National Network, Terminal Access, California Legal, and Advisory routes.*

    The Caltrans Office of Commercial Vehicle Operations provides a map for each Caltrans district that illustrates the truck network. For District 6 (where Tulare is located), SR 99 is defined as "National Network (STAA)" roadway. Thus, the STAA design vehicle applies. As shown on *Highway Design Manual* Figures 404.5A and 404.5B, that design vehicle is 72-feet long, which is (obviously) substantially longer than the 52-foot-long truck considered in the DEIR access analysis. However, the Caltrans "Truck Map Legend" specifically states that there is "no limit" to the overall length of the "Interstate 'STAA' Truck Tractor-Semitrailer."

    Attachments G and H provide copies of pertinent pages from the Caltrans *Highway Design Manual*, as well as the Caltrans District 6 Truck Network map and Truck Map Legend.

    In summary, the truck access analysis presented in the DEIR fails to demonstrate that all trucks that will likely be attracted to the Project will be able to enter and exit the site safely. It must be revised to incorporate consideration of the "STAA" truck.

CONCLUSION

Our review of the transportation and circulation study incorporated into the Draft Environmental Impact Report prepared for the proposed Pilot Flying J project in Tulare, California revealed a number of serious deficiencies. The conclusion that, if and when mitigation measures are implemented, all traffic impacts would be mitigated to less than significant levels is unsupported and, in some instances, is simply inaccurate. As explained herein, there is substantial evidence that the proposed project may have additional significant traffic-related impacts and, therefore, a revised environmental impact report is required.

More fundamentally, the Project, even with the mitigation currently proposed, would violate the City's LOS D policy, which as written provides the City with no flexibility. The EIR authors seem to be unaware that a General Plan violation is not just an "impact" that can "overridden" like most environmental impacts identified under CEQA.

I hope this information is useful. For your reference, I have attached my professional resume as Attachment I. If you have questions concerning any of the material presented here or would like to discuss it further, please feel free to contact me at (906) 847-8276.

Sincerely,

GRIFFIN COVE TRANSPORTATION CONSULTING, PLLC

Neal K. Liddicoat, P.E.
Principal

Attachments

ATTACHMENT A

FREEWAY TRAFFIC VOLUME DATA

(Source: Caltrans, *Traffic Volumes on California State Highways,* 2014, 2015, and 2016)

2014 Traffic Volumes on California State Highways

2014 Traffic Volumes Book

Dist	Route	County	Postmile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
6	5	FRE	0	KINGS/FRESNO COUNTY LINE				4600	37500	35000
6	5	FRE	0.228	JCT. RTE. 269, LASSEN AVENUE	4600	42500	35000	4400	37500	33500
6	5	FRE	5.501	JAYNE AVENUE	4400	37500	33500	4400	37500	33500
6	5	FRE	14.873	JCT. RTE. 198	4400	37500	33500	4600	38500	35000
6	5	FRE	17.964	JCT. RTE. 33 SOUTH, JCT. RTE. 145 NORTH	4600	38500	35000	5400	39000	35500
6	5	FRE	29.955	JCT. RTE. 33 NORTH	4700	39000	35500	4600	38500	34500
6	5	FRE	38.359	KAMM AVENUE	4600	38500	34500	4700	38500	35000
6	5	FRE	45.798	MANNING AVENUE	4700	38500	35000	5000	40000	37500
6	5	FRE	48.99	PANOCHE ROAD	5000	40000	37500	6100	46500	36000
6	5	FRE	52.746	RUSSELL AVENUE	6100	46500	36000	6100	46500	36000
6	5	FRE	60.077	SHIELDS AVENUE	6100	46500	36000	6200	46000	36500
6	5	FRE	65.782	NEES AVENUE	6200	46000	36500	6500	46000	39000
6	5	FRE	66.159	FRESNO/MERCED COUNTY LINE	6500	46000	39000			
10	5	MER	0	FRESNO/MERCED COUNTY LINE				6500	46000	39000
10	5	MER	6.28	JCT. RTE. 165 NORTH	5100	34000	29000	4750	40500	34000
10	5	MER	17.578	JCT. RTE. 152	5300	35000	32000	3850	35000	30000
10	5	MER	21.839	JCT. RTE. 33	3900	35500	29000	4100	28500	26000
10	5	MER	23.6	N. OF ROUTE 33 @ SANTA NELLA TRUCK SCALES	4000	37000	31500	4000	37000	34500
10	5	MER	32.391	JCT. RTE. 140 EAST	3650	41000	38500	4050	42500	40500
10	5	MER	32.477	MERCED/STANISLAUS COUNTY LINE	4050	42500	40500			
10	5	STA	0	MERCED/STANISLAUS COUNTY LINE				3700	42500	40500
10	5	STA	5.505	STUHR ROAD	3700	41000	39000	3700	41000	39000
10	5	STA	10.719	FINK ROAD	3700	41000	39000	3700	41000	39000
[redacted]										
10	5	STA	22.992	INGRAM CREEK (HOWARD ROAD)	4550	46000	45000	4750	41500	41000
10	5	STA	28.055	STANISLAUS/SAN JOAQUIN COUNTY LINE	4750	58000	41000			
10	5	SJ	0	STANISLAUS/SAN JOAQUIN COUNTY LINE				4750	58000	41000
10	5	SJ	0.68	JCT. RTE. 580 WEST	4750	58000	41000	4750	40500	36500
10	5	SJ	3.444	JCT. RTE. 132	4000	32000	29500	2250	26000	21500
10	5	SJ	6.467	JCT. RTE. 33 SOUTH	2250	26000	22500	2300	26000	22800
10	5	SJ	11.056	KASSON ROAD	2150	25500	22900	2150	25500	22900

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2014 Traffic Volumes Book

Dist	Route	County		Postmile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
6	99	TUL		28.605	TULARE, BARDSLEY AVENUE	4550	51000	48500	4700	55000	51000
6	99	TUL		29.568	TULARE, JCT. RTE. 137	4700	55000	51000	4900	57000	53000
6	99	TUL		30.578	PROSPERITY AVENUE	4900	57000	53000	4550	52000	49000
6	99	TUL		31.849	CARTMILL RD OC	4550	52000	49000	4250	49000	46000
6	99	TUL		33.222	SOUTH TAGUS	4250	49000	46000	4350	53000	47500
6	99	TUL		33.942	TAGUS (AVENUE 264)	4350	53000	47500	5000	58000	55000
6	99	TUL		36.411	CALDWELL AVENUE (AVENUE 280)	5000	58000	55000	5000	59000	55000
6	99	TUL	R	38.75	JCT. RTE. 198 EAST	5000	59000	55000	5100	60000	56000
6	99	TUL	R	38.98	JCT. RTE. 198 WEST, TO HANFORD	5100	60000	56000	5100	60000	56000
6	99	TUL		40.79	GOSHEN	5000	59000	55000	4850	56000	53000
6	99	TUL		48.71	TRAVER	4850	55000	53000	4850	55000	53000
6	99	TUL		51.806	DODGE AVENUE	4850	55000	53000	5100	58000	56000
6	99	TUL	R	53.822	MENDOCINO AVENUE	5100	58000	56000	4850	55000	53000
6	99	TUL	R	53.939	TULARE/FRESNO COUNTY LINE	4850	55000	53000			
6	99	FRE	R	0	TULARE/FRESNO COUNTY LINE				4850	55000	53000
6	99	FRE	R	0.951	KINGSBURG, JCT. RTE. 201 EAST	4850	55000	53000	5200	60000	57000
6	99	FRE	R	2.058	BETHEL AVENUE	5200	60000	57000	5500	64000	60000
6	99	FRE	R	3.742	MOUNTAIN VIEW AVENUE	5500	64000	60000	6000	71000	66000
6	99	FRE	R	5.321	SELMA, SECOND STREET	6000	71000	66000	6200	73000	68000
6	99	FRE		6.431	JCT. RTE. 43 SOUTH	6200	73000	68000	7300	83000	80000
6	99	FRE		9.164	MANNING AVENUE	7300	83000	80000	8100	93000	88000
6	99	FRE		11.098	FOWLER, MERCED STREET	8100	93000	88000	8300	94000	90000
6	99	FRE		11.836	ADAMS AVENUE	8300	95000	90000	8500	97000	92000
6	99	FRE		12.404	CLOVIS AVENUE	8500	97000	92000	7700	88000	84000
6	99	FRE		14.512	AMERICAN AVENUE	7700	88000	84000	8000	91000	87000
6	99	FRE		15.491	CHESTNUT AVENUE	8000	91000	87000	7300	83000	79000
6	99	FRE		15.864	CENTRAL AVENUE	7300	83000	79000	8400	96000	92000
6	99	FRE		16.925	CEDAR AVENUE	8400	96000	92000	7900	91000	87000
6	99	FRE		17.255	FRESNO, NORTH AVENUE	7900	91000	87000	8500	98000	93000
6	99	FRE		18.544	FRESNO, JENSEN AVENUE	8500	98000	93000	9400	108000	103000

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2015 Traffic Volumes on California State Highways

2015 Traffic Volumes on California State Highways

Dist	Route	County	Postmile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
10	005	MER	32.477	MERCED/STANISLAUS COUNTY LINE	4050	42500	41500			
10	005	STA	0	MERCED/STANISLAUS COUNTY LINE				3700	42500	41500
10	005	STA	5.505	STUHR ROAD	3700	41000	40000	3700	41000	40000
10	005	STA	10.719	FINK ROAD	3700	41000	40000	3700	41000	40000
10	005	STA	22.992	INGRAM CREEK (HOWARD ROAD)	4550	48000	47000	4750	43000	42500
10	005	STA	28.055	STANISLAUS/SAN JOAQUIN COUNTY LINE	4750	58000	42500			
10	005	SJ	0	STANISLAUS/SAN JOAQUIN COUNTY LINE				4750	58000	42500
10	005	SJ	.68	R JCT. RTE. 580 WEST - BEGIN RIGHT ALIGN	4750	58000	42500	4750	58000	42500
10	005	SJ	1.035	R END RIGHT ALIGN	4750	58000	42500			
10	005	SJ	.053	L DUM SB ON FR RTE 580 - BEGIN LEFT ALIGN				4400	55000	39500
10	005	SJ	.68	L JCT. RTE. 580 WEST	4400	55000	39500	4400	55000	39500
10	005	SJ	1.1	L END LEFT ALIGN, HOSPITAL CR BR	4400	55000	39500			
10	005	SJ	3.444	JCT. RTE. 132	4000	32000	30500	2250	26000	22600
10	005	SJ	6.467	JCT. RTE. 33 SOUTH	2250	26000	23600	2300	26500	24600
10	005	SJ	11.056	KASSON ROAD	2150	25500	24000	2150	25500	24000
10	005	SJ	R 11.801	OLD ROUTE 50; 11TH STREET	2150	25500	24000	3350	48500	47000
10	005	SJ	R 12.623	JCT. RTE. 205 WEST	3500	50000	49000	10100	157000	152000
10	005	SJ	R 14.834	JCT. RTE. 120 EAST	10100	157000	152000	8900	128000	120000
10	005	SJ	R 17.516	LATHROP ROAD	8500	110000	108000	10300	104000	103000
10	005	SJ	R 20.951	FRENCH CAMP OC	10300	104000	103000	10300	109000	107000
10	005	SJ	R 21.439	MATHEWS ROAD	10100	108000	105000	10100	108000	105000
10	005	SJ	R 22.508	FRENCH CAMP TURNPIKE	10100	108000	105000	9100	110000	108000
10	005	SJ	24.637	STOCKTON, EIGHTH STREET	10800	130000	128000	11600	141000	138000
10	005	SJ	25.365	STOCKTON, JCT. RTE. 4	11500	137000	129000	15400	149000	132000
10	005	SJ	26.185	STOCKTON, JCT. RTE. 4	14100	149000	132000	14100	149000	130000
10	005	SJ	26.991	PERSHING AVENUE	11600	136000	121000	11400	130000	116000
10	005	SJ	27.906	STOCKTON, MONTE DIABLO AVENUE	11500	134000	118000	12900	107000	94000
10	005	SJ	28.533	COUNTRY CLUB BOULEVARD	12900	107000	94000	13200	121000	106000
10	005	SJ	29.516	PLYMOUTH RD/RYDE AVE	13200	121000	106000	12900	125000	111000
10	005	SJ	29.99	STOCKTON, MARCH LANE	12900	125000	111000	11900	120000	106000
10	005	SJ	31.451	BENJAMIN HOLT DRIVE	11900	120000	106000	11500	112000	99000
10	005	SJ	32.664	STOCKTON, HAMMER LANE	11500	112000	99000	10300	78000	73000
10	005	SJ	35.302	ATHERTON/EIGHT MILE ROADS	10300	87000	74000	6700	80000	63000
10	005	SJ	39.573	JCT. RTE. 12	6700	80000	63000	4250	57000	53000
10	005	SJ	44.712	PELTIER ROAD	4650	57000	52000	4600	56000	48000
10	005	SJ	47.602	WALNUT GROVE ROAD	4600	56000	48000	4800	60000	51000
10	005	SJ	49.819	SAN JOAQUIN/SACRAMENTO COUNTY LINE	5800	56000	50000			
03	005	SAC	.018	SAN JOAQUIN/SACRAMENTO COUNTY LINE				4900	60000	52600

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2015 Traffic Volumes on California State Highways

Dist	Route	County		Postmile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
06	099	TUL		12.804	PIXLEY, AVENUE 100	3900	46000	42000	4000	46000	43000
06	099	TUL		13.33	AVENUE 104	3850	46000	43000	4000	47500	44500
06	099	TUL		15.367	AVENUE 120	4000	47500	44500	4150	50000	46000
06	099	TUL		18.429	TIPTON, JCT. RTE. 190 EAST	4150	50000	46000	4200	51000	47000
06	099	TUL		19.463	TIPTON, AVENUE 152	4200	51000	47000	4400	54000	49000
06	099	TUL		23.489	AVENUE 184	4400	54000	49000	4500	55000	50000
06	099	TUL		25.433	AVENUE 200	4500	55000	50000	4500	56000	50000
06	099	TUL		26.053	AIRPORT	4500	56000	50000	4500	54000	50000
[redacted]											
06	099	TUL		28.605	TULARE, BARDSLEY AVENUE	4750	58000	53000	5100	61000	57000
06	099	TUL		29.568	TULARE, JCT. RTE. 137	5100	61000	57000	5200	63000	59000
06	099	TUL		30.578	PROSPERITY AVENUE	5200	63000	59000	4750	57000	53000
06	099	TUL		31.849	CARTMILL RD OC	4750	57000	53000	4550	54000	51000
06	099	TUL		33.222	SOUTH TAGUS	4550	54000	51000	4650	54000	52000
06	099	TUL		33.942	TAGUS	4650	54000	52000	5200	61000	58000
06	099	TUL		36.411	CALDWELL AVENUE	5200	61000	58000	5100	62000	58000
06	099	TUL	R	38.75	JCT. RTE. 198 EAST	5100	62000	58000	5100	62000	58000
06	099	TUL	R	38.98	JCT. RTE. 198 WEST	5100	62000	58000	5000	60000	56000
06	099	TUL		40.79	GOSHEN	5000	60000	56000	4900	58000	55000
06	099	TUL		48.71	TRAVER	4950	59000	56000	5100	61000	57000
06	099	TUL		51.806	DODGE AVENUE	5100	61000	57000	5400	63000	60000
06	099	TUL	R	53.822	MENDOCINO AVENUE	5400	63000	60000	5200	61000	58000
06	099	TUL	R	53.939	TULARE/FRESNO COUNTY LINE	5200	61000	58000			
06	099	FRE	R	0	TULARE/FRESNO COUNTY LINE				5200	61000	58000
06	099	FRE	R	.951	KINGSBURG, JCT. RTE. 201 EAST	5200	61000	58000	5500	65000	62000
06	099	FRE	R	2.058	BETHEL AVENUE	5500	65000	62000	5700	68000	64000
06	099	FRE	R	3.742	MOUNTAIN VIEW AVENUE	5700	68000	64000	6300	75000	71000
06	099	FRE	R	5.321	SELMA, SECOND STREET	6300	75000	71000	6500	78000	72000
06	099	FRE		6.431	JCT. RTE. 43 SOUTH	6500	78000	72000	7500	88000	84000
06	099	FRE		9.164	MANNING AVENUE	7500	88000	84000	8300	99000	94000
06	099	FRE		11.098	FOWLER, MERCED STREET	8300	99000	94000	8600	100000	96000
06	099	FRE		11.836	ADAMS AVENUE	8600	100000	96000	8800	103000	97000
06	099	FRE		12.404	CLOVIS AVENUE	8800	103000	97000	8000	94000	89000
06	099	FRE		14.512	AMERICAN AVENUE	8000	94000	89000	8300	97000	92000
06	099	FRE		15.491	CHESTNUT AVENUE	8300	97000	92000	7700	89000	85000
06	099	FRE		15.864	CENTRAL AVENUE	7700	89000	85000	8800	102000	98000
06	099	FRE		16.925	CEDAR AVENUE	8800	102000	98000	8400	98000	93000
06	099	FRE		17.255	FRESNO, NORTH AVENUE	8400	98000	93000	9100	106000	100000
06	099	FRE		18.544	FRESNO, JENSEN AVENUE	9100	106000	100000	9900	114000	108000

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2016 Traffic Volumes on California State Highways

2016 Traffic Volumes on California State Highways

Dist	Route	County	Postmile		Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
10	005	STA	10.719		FINK ROAD	3700	41000	40000	3700	41000	40000
[redacted]											
10	005	STA	22.992		INGRAM CREEK (HOWARD ROAD)	4950	56000	50300	4750	43000	42500
10	005	STA	28.055		STANISLAUS/SAN JOAQUIN COUNTY LINE	4750	58000	42500			
10	005	SJ	0		STANISLAUS/SAN JOAQUIN COUNTY LINE				4750	58000	42500
10	005	SJ	.68	R	JCT. RTE. 580 WEST				2880	24000	19000
10	005	SJ	1.035	R	END RIGHT ALIGN	2880	24000	19000			
10	005	SJ	.053	L	DUM SB ON FR RTE 580 - BEGIN LEFT ALIGN				2880	24000	19000
10	005	SJ	.68	L	JCT. RTE. 580 WEST	2880	24000	19000	2880	24000	19000
10	005	SJ	1.1	L	HOSPITAL CR BR, END LEFT ALIGN	2880	24000	19000			
10	005	SJ	3.444		JCT. RTE. 132	4000	32000	30500	2250	26000	22600
10	005	SJ	6.467		JCT. RTE. 33 SOUTH	2250	26000	23600	2300	29500	24700
10	005	SJ	11.056		KASSON ROAD	2150	25500	24000	2150	25500	24000
10	005	SJ	11.801	R	OLD ROUTE 50; 11TH STREET	2150	25500	24000	3350	48500	47000
10	005	SJ	12.623	R	JCT. RTE. 205 WEST	3500	50000	49000	10100	157000	152000
10	005	SJ	14.834	R	JCT. RTE. 120 EAST	10100	157000	152000	8900	132000	127000
10	005	SJ	17.516	R	LATHROP ROAD	8500	119000	114500	10300	104000	103000
10	005	SJ	20.951	R	FRENCH CAMP OC	10300	104000	103000	10300	109000	107000
10	005	SJ	21.439	R	MATHEWS ROAD	10100	108000	105000	10100	108000	105000
10	005	SJ	22.508	R	FRENCH CAMP TURNPIKE	10100	108000	105000	9100	110000	108000
10	005	SJ	24.637		STOCKTON, EIGHTH STREET	10800	130000	128000	11600	141000	138000
10	005	SJ	25.365		STOCKTON, JCT. RTE. 4	11500	137000	129000	15400	149000	132000
10	005	SJ	26.185		STOCKTON, JCT. RTE. 4	14100	149000	132000	14100	149000	130000
10	005	SJ	26.991		PERSHING AVENUE	11600	136000	121000	11400	130000	116000
10	005	SJ	27.906		STOCKTON, MONTE DIABLO AVENUE	11500	134000	118000	12900	107000	94000
10	005	SJ	28.533		COUNTRY CLUB BOULEVARD	12900	107000	94000	13200	121000	106000
10	005	SJ	29.516		PLYMOUTH RD/RYDE AVE	13200	121000	106000	12900	125000	111000
10	005	SJ	29.99		STOCKTON, MARCH LANE	12900	125000	111000	11900	120000	106000
10	005	SJ	31.451		BENJAMIN HOLT DRIVE	11900	120000	106000	11500	112000	99000
10	005	SJ	32.664		STOCKTON, HAMMER LANE	11500	112000	99000	10300	78000	73000
10	005	SJ	35.302		ATHERTON/EIGHT MILE ROADS	10300	87000	74000	6700	80000	63000
10	005	SJ	39.573		JCT. RTE. 12	6700	80000	63000	4250	65000	58100
10	005	SJ	44.712		PELTIER ROAD	4650	57000	54500	4600	56000	48000
10	005	SJ	47.602		WALNUT GROVE ROAD	4600	56000	48000	4800	60000	51000
10	005	SJ	49.819		SAN JOAQUIN/SACRAMENTO COUNTY LINE	5800	56000	50000			
03	005	SAC	.018		SAN JOAQUIN/SACRAMENTO COUNTY LINE				5000	62000	55700
03	005	SAC	2.13		TWIN CITIES ROAD	5000	62000	55700	5000	62000	55900

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2016 Traffic Volumes on California State Highways

Dist	Route	County	Postmile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
06	099	TUL	3.055	RADNOR, AVENUE 24	4800	58000	51000	4850	57000	52000
06	099	TUL	6.148	AVENUE 48	4850	57000	52000	4500	52000	48500
06	099	TUL	9.712	AVENUE 76	4300	51000	46000	4300	51000	46000
06	099	TUL	12.297	AVENUE 96/ PARK DRIVE	4400	51000	47000	4200	49000	45000
06	099	TUL	12.804	PIXLEY, AVENUE 100	4250	49500	45500	4350	49500	46500
06	099	TUL	13.33	AVENUE 104	4200	49500	46500	4300	51000	47500
06	099	TUL	15.367	AVENUE 120	4300	51000	47500	4500	54000	49500
06	099	TUL	18.429	TIPTON, JCT. RTE. 190 EAST	4500	54000	49500	4500	55000	50000
06	099	TUL	19.463	TIPTON, AVENUE 152	4500	55000	50000	4700	58000	52000
06	099	TUL	23.489	AVENUE 184	4650	57000	52000	4750	57000	52000
06	099	TUL	25.433	AVENUE 200	5000	62000	56000	5100	68000	56000
06	099	TUL	26.053	AIRPORT	5100	68000	56000	5100	68000	56000
[redacted]										
06	099	TUL	28.605	TULARE, BARDSLEY AVENUE	5100	60000	57000	5100	61000	57000
06	099	TUL	29.568	TULARE, JCT. RTE. 137	5100	61000	57000	5600	68000	64000
06	099	TUL	30.578	PROSPERITY AVENUE	5600	68000	64000	5100	62000	57000
06	099	TUL	31.849	CARTMILL RD OC	4900	59000	55000	4850	62000	55000
06	099	TUL	33.222	SOUTH TAGUS	4950	62000	56000	4950	59000	56000
06	099	TUL	33.942	TAGUS (AVENUE 264)	5400	64000	61000	5100	60000	57000
06	099	TUL	36.411	CALDWELL AVENUE (AVENUE 280)	5700	67000	64000	5600	70000	65000
06	099	TUL R	38.714	VISALIA, JCT. RTE. 198	5600	70000	65000	5700	69000	65000
06	099	TUL R	38.75	JCT. RTE. 198 EAST	5700	69000	65000	5700	69000	65000
06	099	TUL R	38.98	JCT. RTE. 198 WEST	5700	69000	65000	5800	70000	65000
06	099	TUL	40.79	GOSHEN	5800	70000	65000	5300	64000	60000
06	099	TUL	48.71	TRAVER	5300	64000	60000	5500	66000	61000
06	099	TUL	51.806	DODGE AVENUE	5500	66000	61000	5600	69000	65000
06	099	TUL R	53.822	MENDOCINO AVENUE	5600	69000	65000	5600	66000	63000
06	099	TUL R	53.939	TULARE/FRESNO COUNTY LINE	5600	66000	63000			
06	099	FRE R	0	TULARE/FRESNO COUNTY LINE				5600	66000	63000
06	099	FRE R	.951	KINGSBURG, JCT. RTE. 201 EAST	5600	66000	63000	5800	69000	66000
06	099	FRE R	2.058	BETHEL AVENUE	5800	69000	66000	6100	73000	69000
06	099	FRE R	3.742	MOUNTAIN VIEW AVENUE	6100	73000	69000	6600	80000	75000
06	099	FRE R	5.321	SELMA, SECOND STREET	6600	80000	75000	6800	83000	76000
06	099	FRE	6.431	JCT. RTE. 43 SOUTH	6800	83000	76000	7900	93000	89000
06	099	FRE	9.164	MANNING AVENUE	7900	93000	89000	8500	103000	97000
06	099	FRE	11.098	FOWLER, MERCED STREET	8500	103000	97000	9100	106000	100000
06	099	FRE	11.836	ADAMS AVENUE	8900	106000	100000	9200	108000	102000

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ATTACHMENT B

FREEWAY TRUCK VOLUME DATA

(Source: Caltrans, *Annual Average Daily Truck Traffic on the California State Highway System*, 2014, 2015, and 2016)

2014

Annual Average Daily Truck Traffic
on the
California State Highway System

Compiled by
Traffic Data Branch

State of California
California State Transportation Agency
Department of Transportation

Prepared in cooperation with the
U.S. Department of Transportation
Federal Highway Administration

2014 Daily Truck Traffic

RTE	DIST	CNTY	POST MILE	LEG	DESCRIPTION	VEHICLE AADT TOTAL	TRUCK AADT TOTAL	TRUCK % TOT VEH	TRUCK By Axle 2	TRUCK By Axle 3	AADT Axle 4	TOTAL % TRUCK By Axle 5+	% TRUCK By Axle 2	% TRUCK By Axle 3	AADT Axle 4	AADT Axle 5+	EAL 2-WAY (1000)	YEAR VER/ EST
099	06	TUL	9.712	A	AVE 76	40,000	8,800	22.00	1,848	440	264	6,248	21.00	5.00	3.00	71.00	2,300	14E
099	06	TUL	18.429	B	TIPTON, JCT. RTE. 190 EAST	43,500	9,571	22.00	2,010	479	287	6,795	21.00	5.00	3.00	71.00	2,501	14E
099	06	TUL	18.429	A	TIPTON, JCT. RTE. 190 EAST	44,500	10,375	23.31	2,179	519	311	7,366	21.00	5.00	3.00	71.00	2,711	14E
099	06	TUL	23.489	B	AVE 184	46,500	10,373	22.31	2,152	647	376	7,198	20.74	6.24	3.62	69.39	2,674	14V
099	06	TUL	25.433	B	AVE 200	47,000	10,339	22.00	2,171	517	310	7,341	21.00	5.00	3.00	71.00	2,702	14E
[redacted]									2,148	512	307	7,263	21.00	5.00	3.00	71.00	2,673	14E
[redacted]									2,124	704	439	6,933	20.82	6.90	4.30	67.97	2,596	14E
099	06	TUL	29.568	A	TULARE, JCT. RTE. 137	53,000	11,409	21.53	3,300	600	498	7,011	28.92	5.26	4.36	61.45	2,663	14E
099	06	TUL	R38.75	B	JCT. RTE. 198 EAST	55,000	11,408	20.74	3,300	600	497	7,011	28.92	5.26	4.36	61.45	2,662	14E
099	06	TUL	R38.75	A	JCT. RTE. 198 EAST	55,000	11,866	21.57	3,380	723	513	7,250	28.48	6.09	4.32	61.10	2,712	14E
099	06	TUL	R53.822	B	MENDOCINO AVE	56,000	12,538	22.39	3,305	559	381	8,293	26.36	4.46	3.04	66.14	3,084	11E
099	06	TUL	R53.822	A	MENDOCINO AVE	53,000	11,867	22.39	3,128	529	361	7,849	26.36	4.46	3.04	66.14	2,919	11E
099	06	FRE	R0.951	A	KINGSBURG, JCT. RTE. 201 EAST	57,000	12,762	22.39	3,364	569	388	8,441	26.36	4.46	3.04	66.14	3,139	11E
099	06	FRE	6.431	B	JCT. RTE. 43 SOUTH	68,000	10,606	15.60	3,288	669	373	6,276	31.00	6.31	3.52	59.16	2,397	14E
099	06	FRE	6.431	A	JCT. RTE. 43 SOUTH	80,000	12,509	15.64	3,285	1,043	701	7,480	26.26	8.34	5.60	59.80	2,895	14E
099	06	FRE	11.038	B	FOWLER, MERCED RD	88,000	13,200	15.00	4,224	924	396	7,656	32.00	7.00	3.00	58.00	2,932	14E

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2015

Annual Average Daily Truck Traffic
on the
California State Highway System

Compiled by
Traffic Data Branch

State of California
California State Transportation Agency
Department of Transportation

Prepared in cooperation with the
U.S. Department of Transportation
Federal Highway Administration

2015 Daily Truck Traffic

RTE	DIST	CNTY	POST MILE	LEG	DESCRIPTION	VEHICLE AADT TOTAL	TRUCK AADT TOTAL	TRUCK % TOT VEH	TRUCK AADT By Axle 2	3	4	5+	TOTAL % 2	TRUCK % 3	TRUCK AADT By Axle 4	5+	EAL 2-WAY (1000)	YEAR VER/ EST
99	6	TUL	25.433	B	AVE 200	50,000	11,500	23.00	2,415	575	345	8,165	21.00	5.00	3.00	71.00	3,005	15E
[redacted]									4,406	364	313	7,418	35.25	2.91	2.50	59.34	2,793	15V
[redacted]									2,848	944	588	9,298	20.82	6.90	4.30	67.97	3,481	15E
99	6	TUL	29.568	A	TULARE, JCT. RTE. 137	59,000	14,158	24.00	4,095	745	617	8,701	28.92	5.26	4.36	61.45	3,304	15E
99	6	TUL	R38.75	B	JCT. RTE. 198 EAST	58,000	13,919	24.00	4,026	732	607	8,554	28.92	5.26	4.36	61.45	3,249	15E
99	6	TUL	R53.822	B	MENDOCINO AVE	60,000	15,305	25.51	6,445	546	351	7,963	42.11	3.57	2.29	52.03	3,075	15V
99	6	TUL	R53.822	A	MENDOCINO AVE	58,000	13,920	24.00	3,669	621	423	9,207	26.36	4.46	3.04	66.14	3,424	15E
99	6	FRE	R0.951	A	KINGSBURG, JCT. RTE. 201 EAST	62,000	13,882	22.39	3,659	619	422	9,182	26.36	4.46	3.04	66.14	3,415	11E
99	6	FRE	6.431	B	JCT. RTE. 43 SOUTH	72,000	11,231	15.60	3,482	709	395	6,645	31.00	6.31	3.52	59.16	2,538	14E
99	6	FRE	6.431	A	JCT. RTE. 43 SOUTH	84,000	13,139	15.64	3,450	1,096	736	7,857	26.26	8.34	5.60	59.80	3,040	14E
99	6	FRE	11.088	B	FOWLER, MERCED ST	94,000	14,100	15.00	4,512	987	423	8,178	32.00	7.00	3.00	58.00	3,132	14E
99	6	FRE	15.491	A	CHESTNUT AVE	85,000	12,751	15.00	3,825	893	383	7,650	30.00	7.00	3.00	60.00	2,912	14E
99	6	FRE	19.29	B	FRESNO, NORTH JCT. RTE. 41	108,000	17,356	16.07	3,707	774	528	12,347	21.36	4.46	3.04	71.14	4,538	07E
99	6	FRE	19.29	A	FRESNO, NORTH JCT. RTE. 41	68,000	15,640	23.00	3,284	1,408	626	10,322	21.00	9.00	4.00	66.00	3,898	04E
99	6	FRE	20.19	B	FRESNO, VENTURA ST	68,000	15,640	23.00	3,128	1,408	782	10,322	20.00	9.00	5.00	66.00	3,915	04E
99	6	FRE	20.19	A	FRESNO, VENTURA ST	85,000	17,000	20.00	3,400	1,530	850	11,220	20.00	9.00	5.00	66.00	4,256	04E

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2016

Annual Average Daily Truck Traffic on the California State Highway System

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State of California
California State Transportation Agency
Department of Transportation

Prepared in cooperation with the
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Federal Highway Administration

2016 Daily Truck Traffic

RTE	DIST	CNTY	POST MILE	LEG	DESCRIPTION	VEHICLE AADT TOTAL	TRUCK AADT TOTAL	TRUCK % TOT VEH	TRUCK By Axle 2	TRUCK By Axle 3	AADT Axle 4	TOTAL 5+	% 2	TRUCK By Axle 3	AADT Axle 4	5+	EAL 2-WAY (1000)	YEAR VER/ EST
99	06	TUL	18.429	A	TIPTON, JCT. RTE. 190 EAST	50000	12203	24.41	2567	806	550	8280	21.03	7	5	68	3101	16V
99	06	TUL	23.489	B	AVE 184	52000	11642	22.39	2530	756	456	7900	21.73	6	4	68	2951	15V
99	06	TUL	25.433	B	AVE 200	55000	13751	25.00	3850	688	550	8663	28.00	5	4	63	3268	16E
[redacted]									5702	443	387	8931	36.88	3	3	58	3378	16V
[redacted]									2848	944	588	9298	20.82	7	4	68	3481	15E
99	06	TUL	29.568	A	TULARE, JCT. RTE. 137	64000	15359	24.00	4442	808	670	9439	28.92	5	4	61	3585	15E
99	06	TUL	R38.75	B	JCT. RTE. 198 EAST	58000	13919	24.00	4026	732	607	8554	28.92	5	4	61	3249	15E
99	06	TUL	R53.822	B	MENDOCIND AVE	65000	14000	21.54	5641	536	336	7487	40.29	4	2	53	2879	16V
99	06	TUL	R53.822	A	MENDOCIND AVE	63000	14490	23.00	3820	646	440	9584	26.36	4	3	66	3564	16E
99	06	FRE	R0.951	A	KINGSBURG, JCT. RTE. 201 EAST	66000	14216	21.54	3747	634	432	9403	26.36	4	3	66	3497	16E
99	06	FRE	6.431	B	JCT. RTE. 43 SOUTH	76000	11854	15.60	3675	748	417	7014	31.00	6	4	59	2679	14E
99	06	FRE	6.431	A	JCT. RTE. 43 SOUTH	89000	13920	15.64	3655	1161	780	8324	26.26	8	6	60	3231	14E
99	06	FRE	11.038	B	FOWLER, MERCED ST	97000	14551	15.00	4656	1019	437	8439	32.00	7	3	58	3232	14E
99	06	FRE	15.491	A	CHESTNUT AVE	88000	13200	15.00	3960	924	396	7920	30.00	7	3	60	3014	14E
99	06	FRE	19.29	B	FRESNO, NORTH JCT. RTE. 41	114000	18320	16.07	3913	817	557	13033	21.36	4	3	71	4790	07E
99	06	FRE	19.29	A	FRESNO, NORTH JCT. RTE. 41	69000	15870	23.00	3333	1428	635	10474	21.00	9	4	66	3955	04E
99	06	FRE	20.19	B	FRESNO, VENTURA ST	69000	15870	23.00	3174	1428	794	10474	20.00	9	5	66	3973	04E

ATTACHMENT C

VEHICLE CLASSIFICATION DEFINITIONS

(Source: Federal Highway Administration)

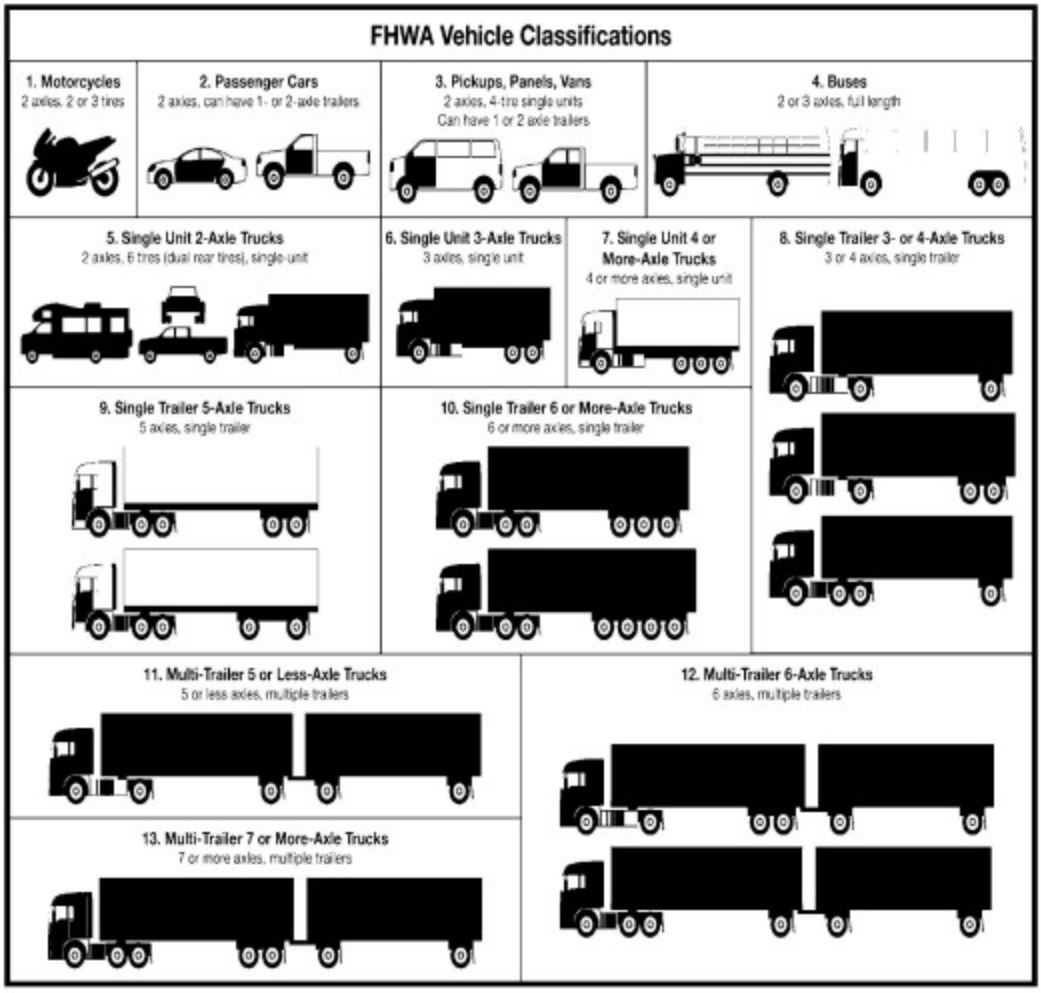

FHWA Vehicle Classifications
1. Motorcycles
2 axles, 2 or 3 tires
2. Passenger Cars
2 axles, can have 1- or 2-axle trailers
3. Pickups, Panels, Vans
2 axles, 4-tire single units
Can have 1 or 2 axle trailers
4. Buses
2 or 3 axles, full length
5. Single Unit 2-Axle Trucks
2 axles, 6 tires (dual rear tires), single unit
6. Single Unit 3-Axle Trucks
3 axles, single unit
7. Single Unit 4 or More-Axle Trucks
4 or more axles, single unit
8. Single Trailer 3- or 4-Axle Trucks
3 or 4 axles, single trailer
9. Single Trailer 5-Axle Trucks
5 axles, single trailer
10. Single Trailer 6 or More-Axle Trucks
6 or more axles, single trailer
11. Multi-Trailer 5 or Less-Axle Trucks
5 or less axles, multiple trailers
12. Multi-Trailer 6-Axle Trucks
6 axles, multiple trailers
13. Multi-Trailer 7 or More-Axle Trucks
7 or more axles, multiple trailers

Table 1. FHWA vehicle classification definitions.

Class Group	Class Definition	Class Includes	Number of Axles
1	Motorcycles	Motorcycles	2
2	Passenger Cars	All cars Cars with one-axle trailers Cars with two-axle trailers	2, 3, or 4
3	Other Two-Axle Four-Tire Single-Unit Vehicles	Pick-ups and vans Pick-ups and vans with one- and two-axle trailers	2, 3, or 4
4	Buses	Two- and three-axle buses	2 or 3
5	Two-Axle, Six-Tire, Single-Unit Trucks	Two-axle trucks	2
6	Three-Axle Single-Unit Trucks	Three-axle trucks Three-axle tractors without trailers	3
7	Four or More Axle Single-Unit Trucks	Four-, five-, six- and seven-axle single-unit trucks	4 or more
8	Four or Fewer Axle Single-Trailer Trucks	Two-axle trucks pulling one- and two-axle trailers Two-axle tractors pulling one- and two-axle trailers Three-axle tractors pulling one-axle trailers	3 or 4
9	Five-Axle Single-Trailer Trucks	Two-axle tractors pulling three-axle trailers Three-axle tractors pulling two-axle trailers Three-axle trucks pulling two-axle trailers	5
10	Six or More Axle Single-Trailer Trucks	Multiple configurations	6 or more
11	Five or Fewer Axle Multi-Trailer Trucks	Multiple configurations	4 or 5
12	Six-Axle Multi-Trailer Trucks	Multiple configurations	6
13	Seven or More Axle Multi-Trailer Trucks	Multiple configurations	7 or more
14	Unused	----	----
15	Unclassified Vehicle	Multiple configurations	2 or more

A. FHWA Vehicle Classes With Definitions

Class 1 – Motorcycles (Optional). All two- or three-wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category includes motorcycles, motor scooters, mopeds, motor-powered bicycles, and three-wheel motorcycles. This vehicle type may be reported at the option of the State.

Class 2 – Passenger Cars. All sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Class 3 – Other Two-Axle, Four-Tire Single Unit Vehicles. All two-axle, four-tire vehicles, other than passenger cars. Included in this classification are pickups, panels, vans, and other vehicles such as campers, motor homes, ambulances, hearses, carryalls, and minibuses. Other two-axle, four-tire single-unit vehicles pulling recreational or other light trailers are included in this classification. Because automatic vehicle classifiers have difficulty distinguishing Class 3 from Class 2, these two classes may be combined into Class 2.

Class 4 – Buses. All vehicles manufactured as traditional passenger-carrying buses with two axles and six tires or three or more axles. This category includes only traditional buses (including school buses) functioning as passenger-carrying vehicles. Modified buses should be considered to be a truck and should be appropriately classified.

Class 5 – Two-Axle, Six-Tire, Single-Unit Trucks. All vehicles on a single frame, including trucks, camping and recreational vehicles, motor homes, etc., with two axles and dual rear wheels.

Class 6 – Three-Axle Single-Unit Trucks. All vehicles on a single frame, including trucks, camping and recreational vehicles, motor homes, etc., with three axles.

Class 7 – Four or More Axle Single-Unit Trucks. All trucks on a single frame with four or more axles.

Class 8 – Four or Fewer Axle Single-Trailer Trucks. All vehicles with four or fewer axles consisting of two units, one of which is a tractor or straight truck power unit.

Class 9 – Five-Axle Single-Trailer Trucks. All five-axle vehicles consisting of two units, one of which is a tractor or straight truck power unit.

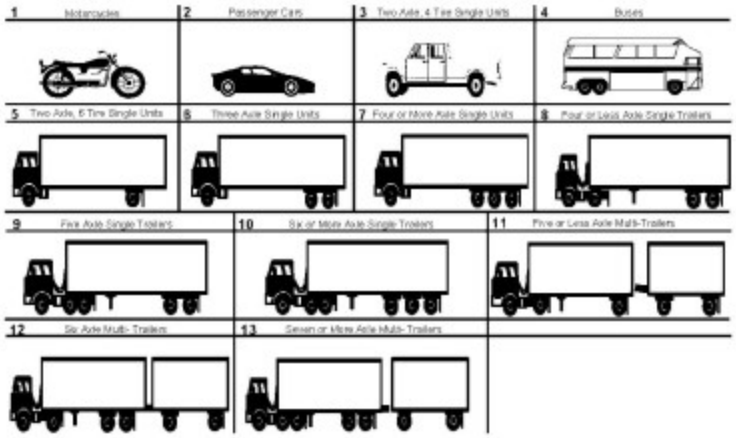
Class 10 – Six or More Axle Single-Trailer Trucks. All vehicles with six or more axles consisting of two units, one of which is a tractor or straight truck power unit.

Class 11 – Five or fewer Axle Multi-Trailer Trucks. All vehicles with five or fewer axles consisting of three or more units, one of which is a tractor or straight truck power unit.

Class 12 – Six-Axle Multi-Trailer Trucks. All six-axle vehicles consisting of three or more units, one of which is a tractor or straight truck power unit.

Class 13 – Seven or More Axle Multi-trailer Trucks. All vehicles with seven or more axles consisting of three or more units, one of which is a tractor or straight truck power unit.

Figure A.1 FHWA Vehicle Classifications



Source: 2006 NYSDOT Traffic Data Report.

ATTACHMENT D

EXCERPTS FROM OTHER TRAVEL CENTER TRAFFIC STUDIES

Traffic Impact Study

Proposed E-Z Trip Travel Center

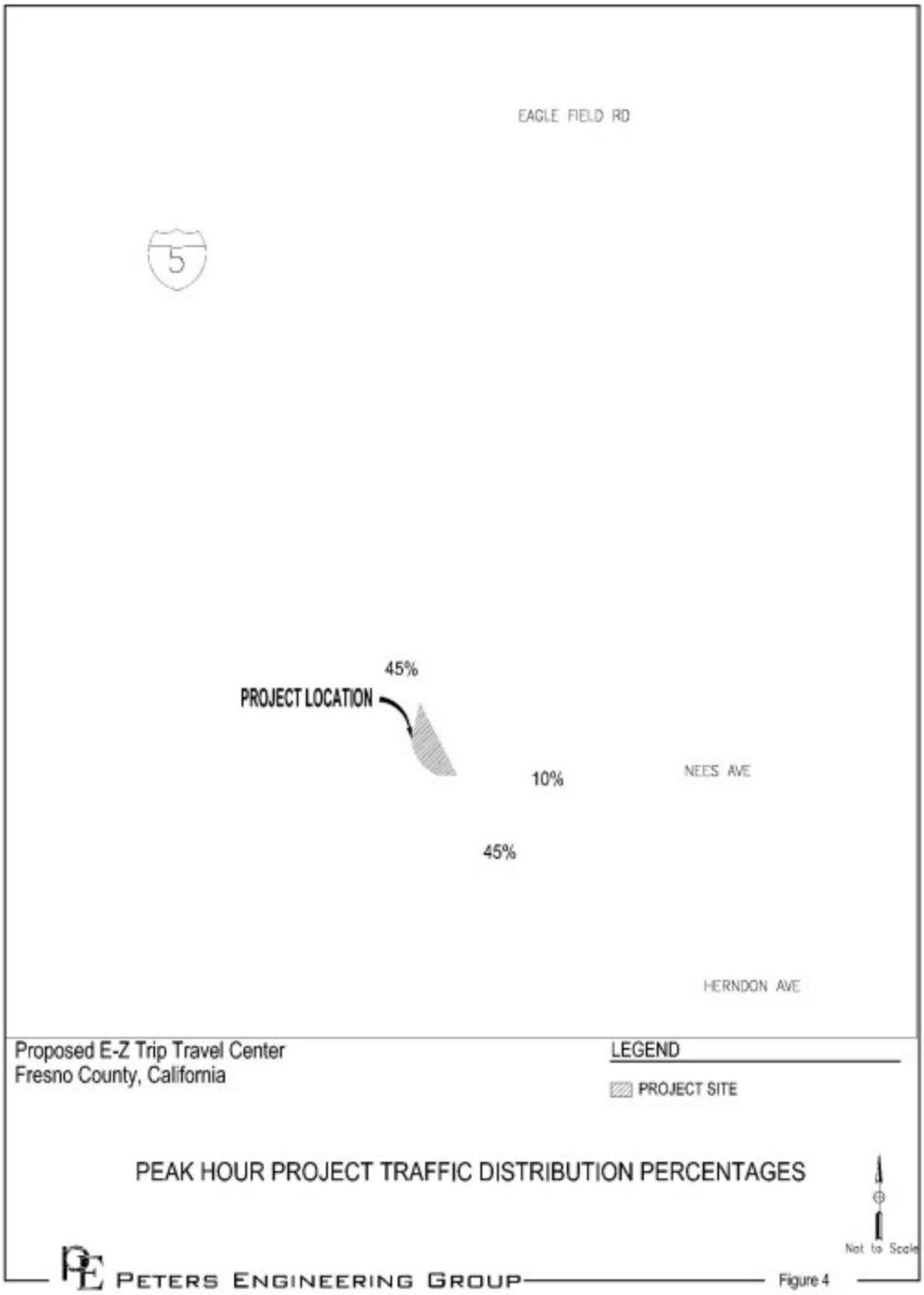
Northwest of the Interstate 5 / Nees Avenue Interchange
Fresno County, California

Prepared For:
Mr. Shawn Shiralian
6725 North Golden State Boulevard
Fresno, California 93722

Date:
November 16, 2016

Job No.:
16-018.01

PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION


EAGLE FIELD RD
5
45%
PROJECT LOCATION
10%
NEES AVE
45%
HERNDON AVE
Proposed E-Z Trip Travel Center
Fresno County, California
LEGEND
PROJECT SITE
PEAK HOUR PROJECT TRAFFIC DISTRIBUTION PERCENTAGES
Not to Scale
PETERS ENGINEERING GROUP
Figure 4

Final Traffic Report
Love's Country Store (Williams, CA)

Prepared for:
City of Williams

August 2016

RS16-3403

Prepared By:
FEHR & PEERS

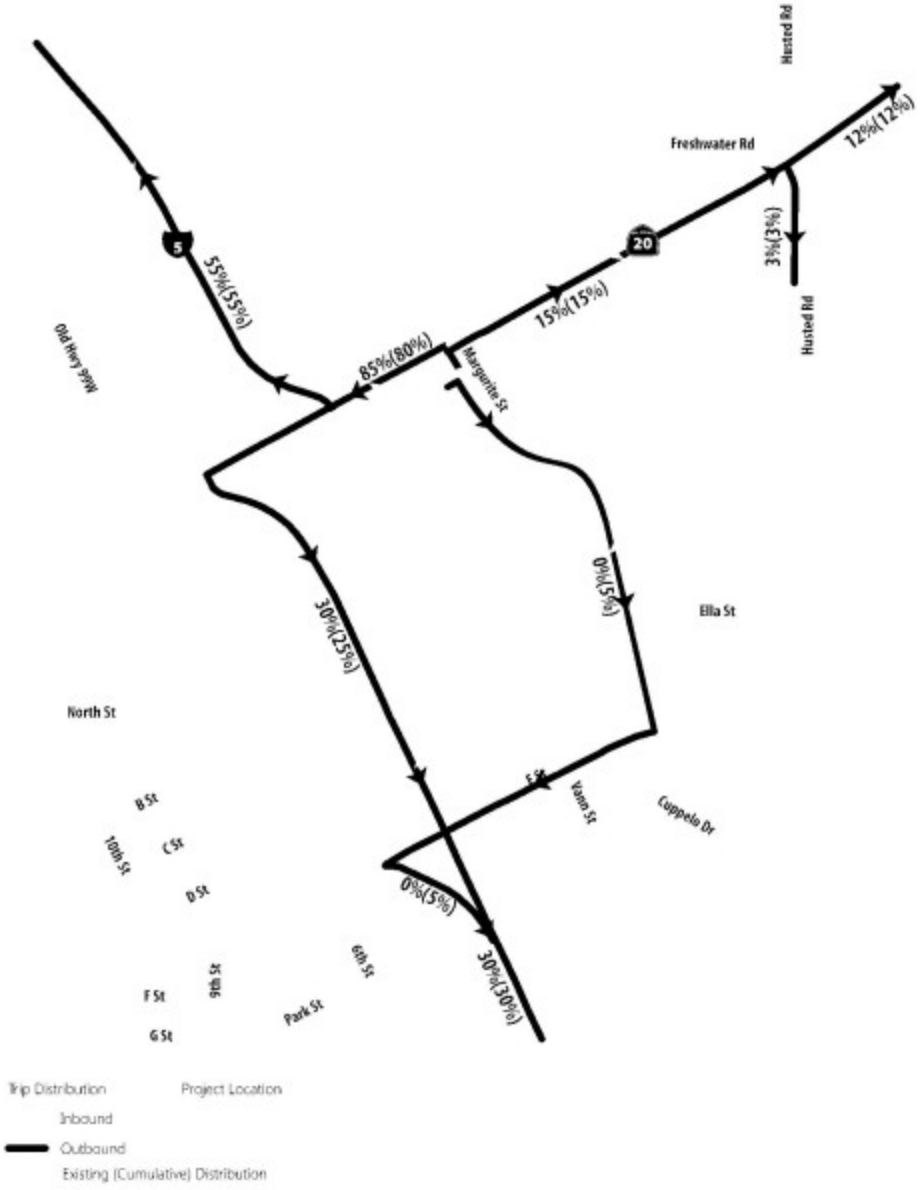


Figure 4
Project Trip Distribution

EXHIBIT V

Traffic Impact Study

Proposed Travel Center

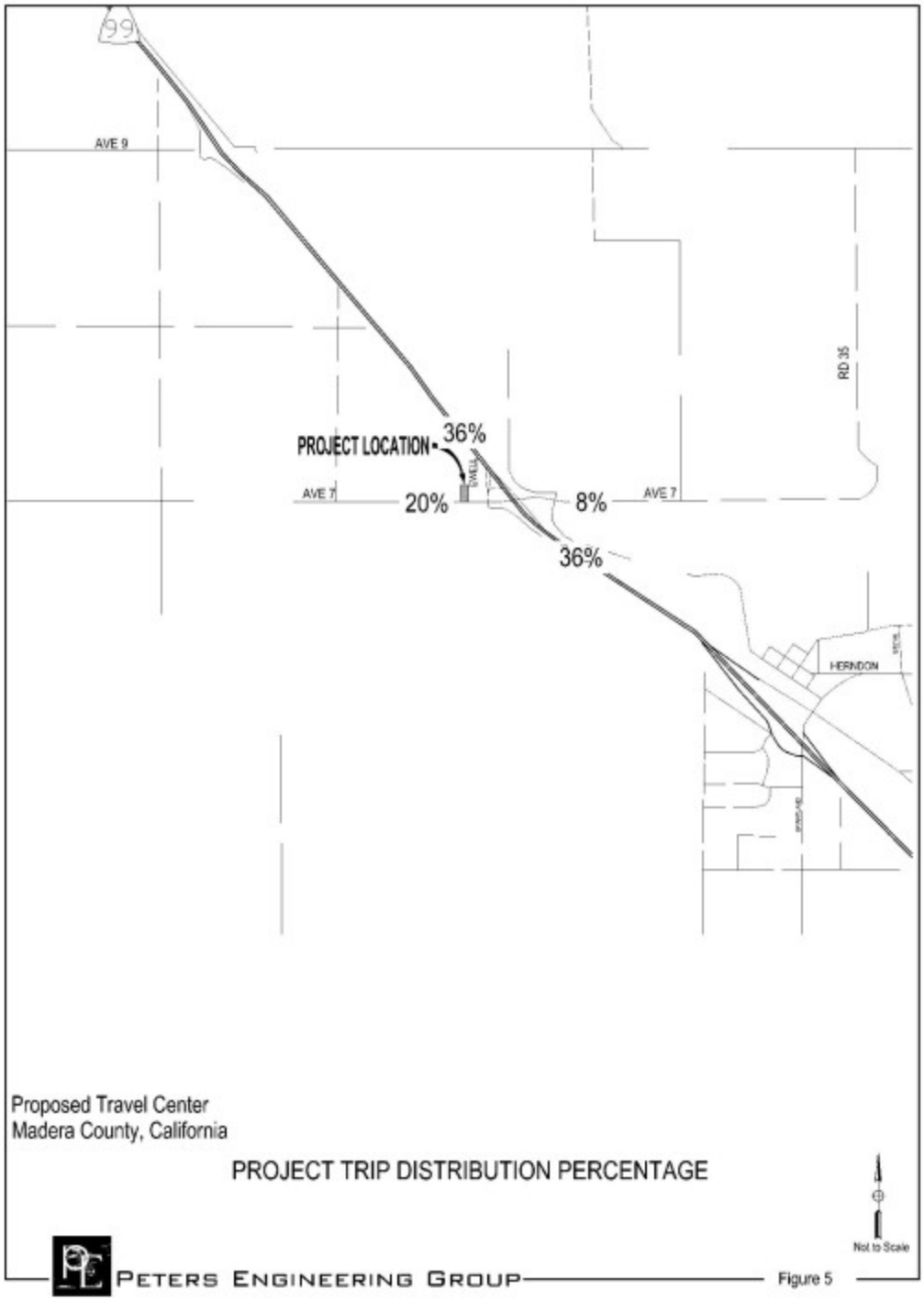
Northwest of the Avenue 7 / State Route 99 Interchange
Madera County, California

Prepared For:
RNDS Ventures, Inc.
755 North Peach Avenue, Suite E-3
Clovis, California 93611

Date:
January 25, 2016

Job No.:
15-058.01

PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

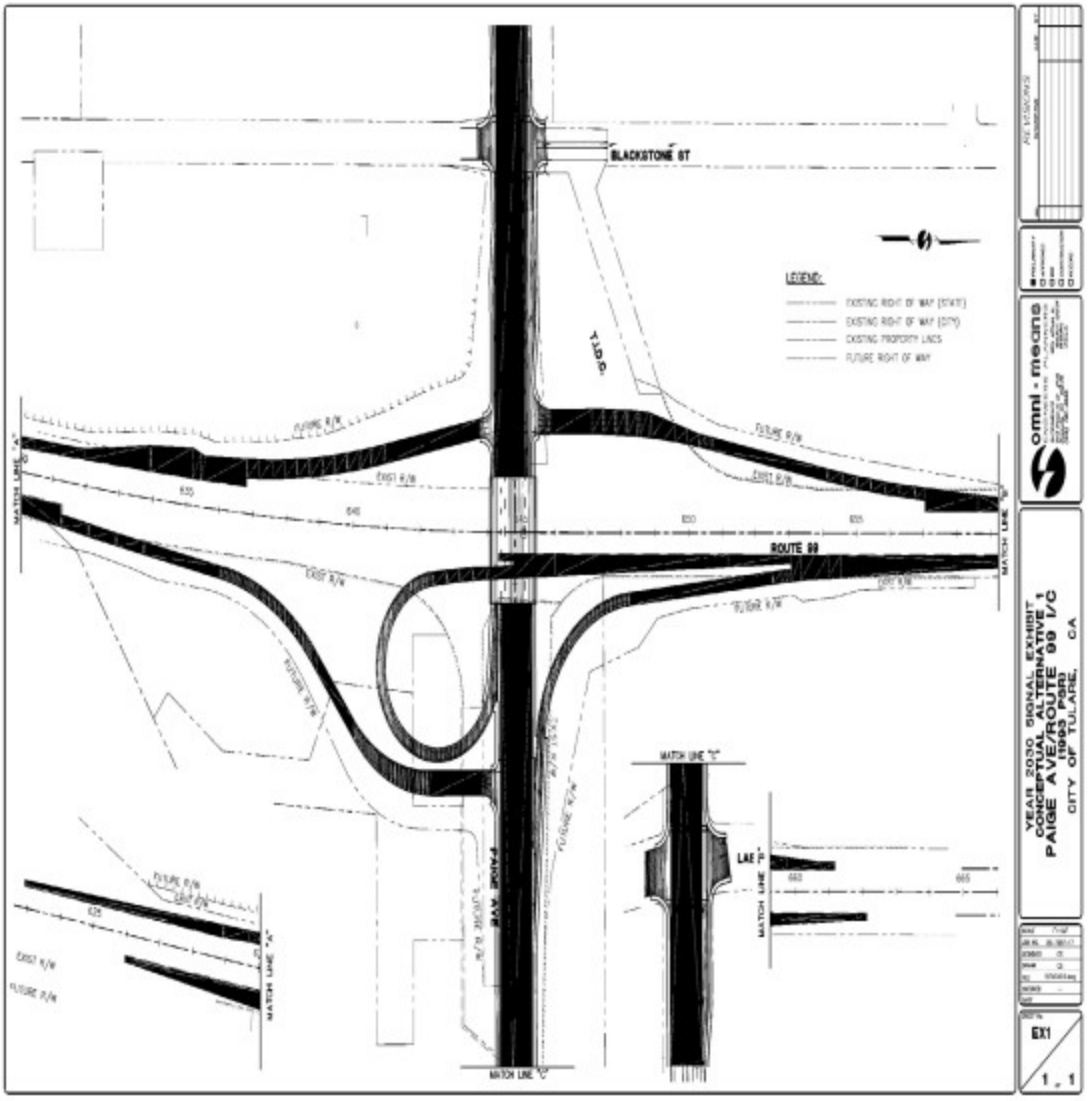

99
AVE 9
RD 35
PROJECT LOCATION
36%
AVE 7
20%
8%
AVE 7
36%
HERNDON
Proposed Travel Center
Madera County, California
PROJECT TRIP DISTRIBUTION PERCENTAGE
Not to Scale
PETERS ENGINEERING GROUP
Figure 5

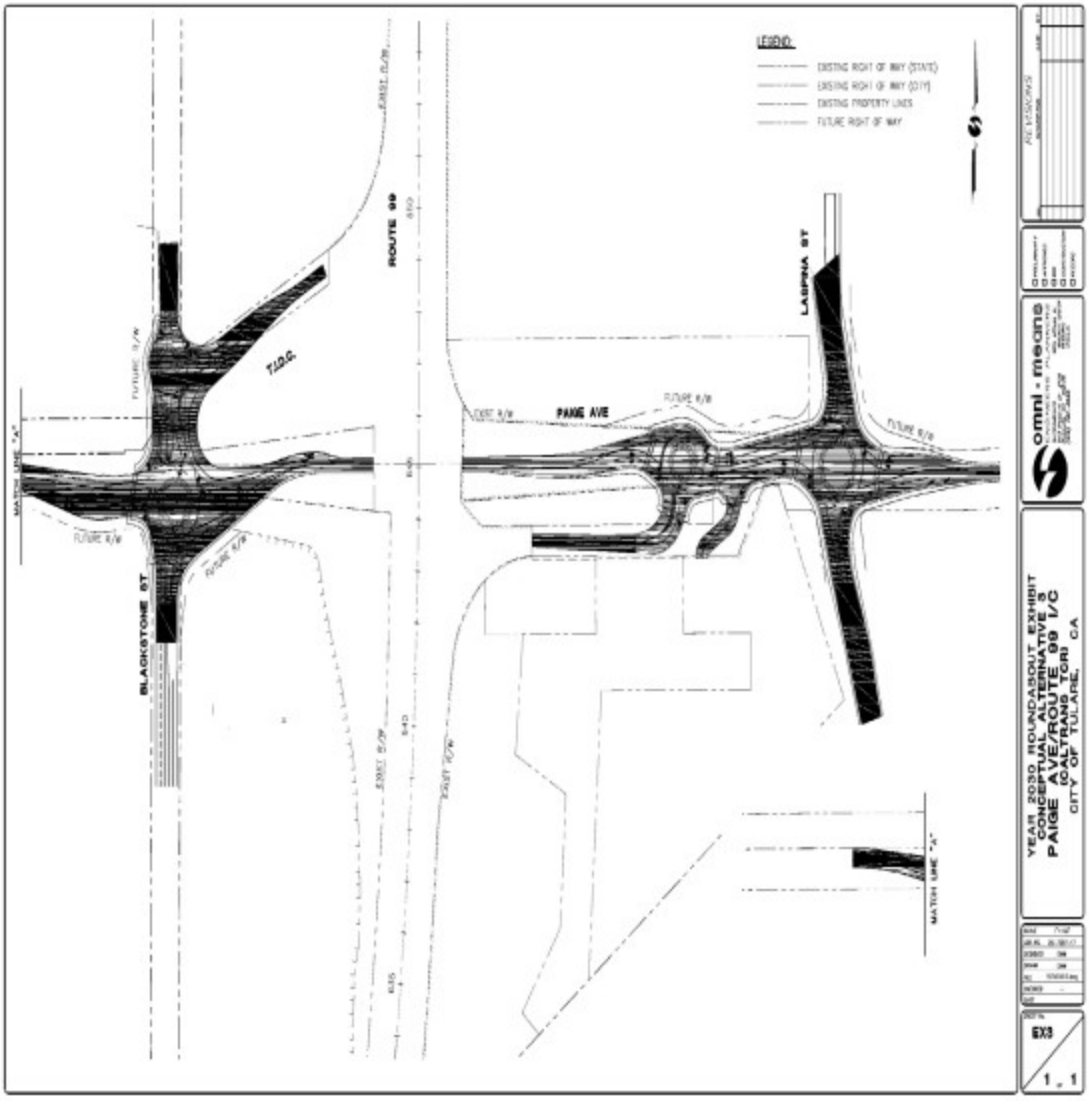
ATTACHMENT E

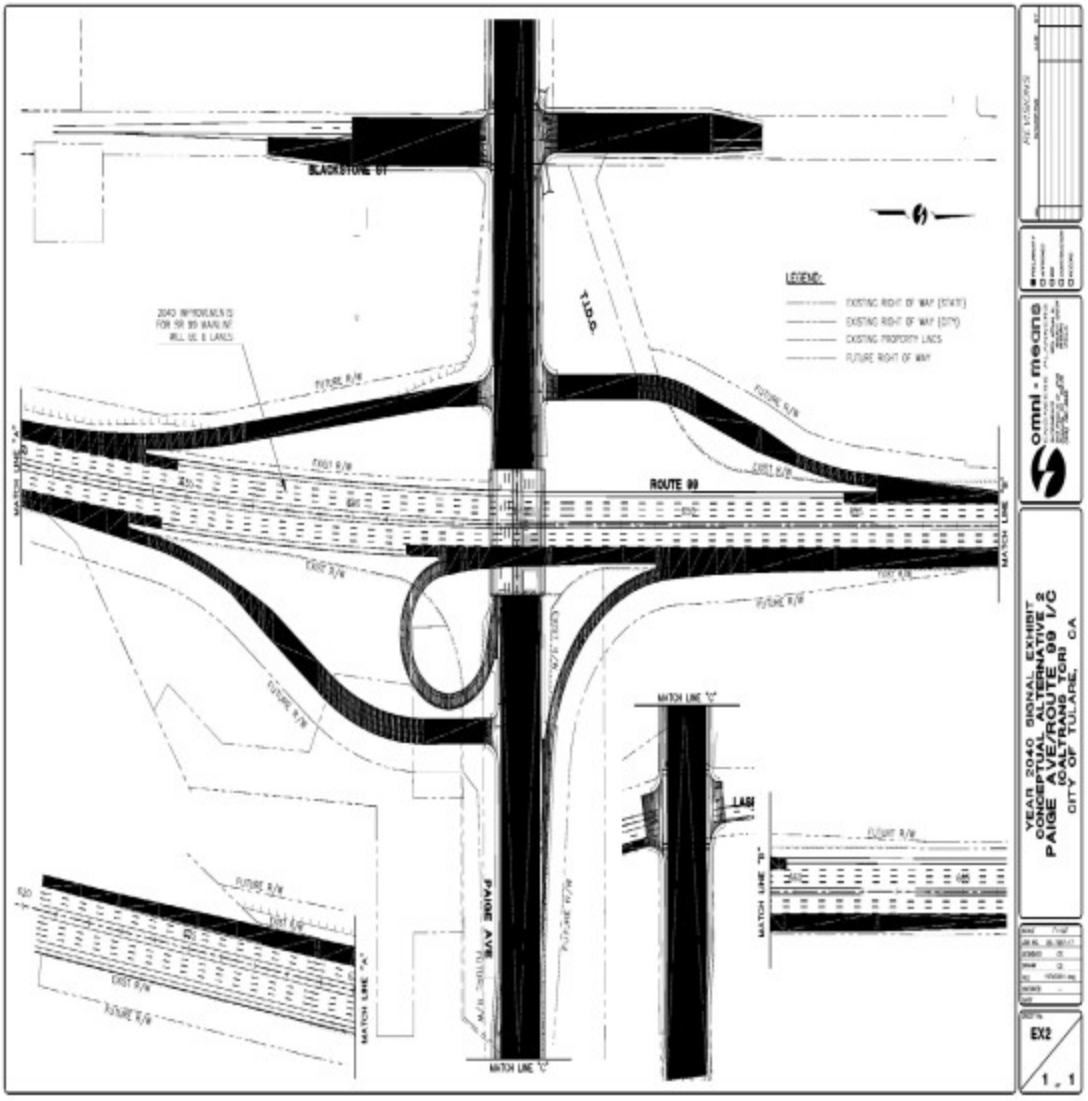
YEAR 2030 & YEAR 2040
ALTERNATIVES CONCEPTUAL LAYOUT

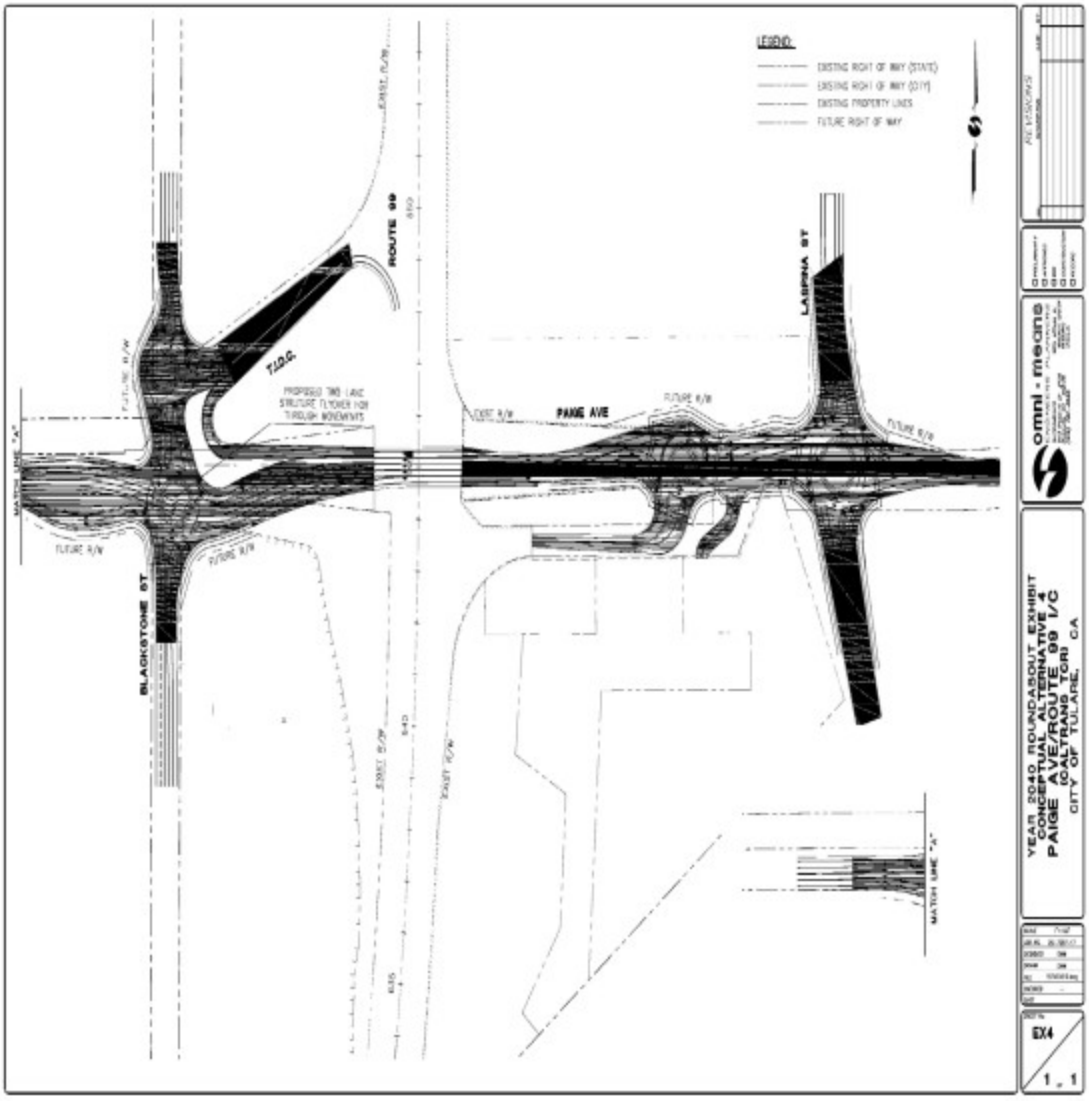
(Source: Stantec, *Final Report - Traffic Impact Study of Proposed Pilot Travel Center*, March 16, 2018, Appendix G)

Appendix C - Year 2030 & Year 2040 Alternatives Conceptual Layout Improvements from the State Route 99/Paige Avenue Traffic Operations Report


BLACKSTONE ST
LEGEND:
EXISTING RIGHT OF WAY (STATE)
EXISTING RIGHT OF WAY (CITY)
EXISTING PROPERTY LINES
FUTURE RIGHT OF WAY
ROUTE 99
MATCH LINE "A"
MATCH LINE "B"
MATCH LINE "C"
MATCH LINE "D"
EAST R/W
FUTURE R/W
YEAR 2030 SIGNAL EXHIBIT
CONCEPTUAL ALTERNATIVE 1
PAIGE AVE/ROUTE 99 I/C
(1993 PSR)
CITY OF TULARE, CA
omni-means
EX1
1 , 1


LEGEND:
EXISTING RIGHT OF WAY (STATE)
EXISTING RIGHT OF WAY (CITY)
EXISTING PROPERTY LINES
FUTURE RIGHT OF WAY
ROUTE 99
LASPINA ST
PAIGE AVE
BLACKSTONE ST
T.I.D.G.
FUTURE R/W
EXIST R/W
MATCH LINE "A"
omni-means
YEAR 2030 ROUNDABOUT EXHIBIT
CONCEPTUAL ALTERNATIVE 3
PAIGE AVE/ROUTE 99 I/C
(CALTRANS TCR)
CITY OF TULARE, CA
EX3
1 , 1


BLACKSTONE ST
ROUTE 99
PAIGE AVE
LEGEND:
EXISTING RIGHT OF WAY (STATE)
EXISTING RIGHT OF WAY (CITY)
EXISTING PROPERTY LINES
FUTURE RIGHT OF WAY
MATCH LINE "A"
MATCH LINE "B"
MATCH LINE "C"
omni-means
YEAR 2040 SIGNAL EXHIBIT
CONCEPTUAL ALTERNATIVE 2
PAIGE AVE/ROUTE 99 I/C
(CALTRANS TCR)
CITY OF TULARE, CA
EX2
1 , 1


LEGEND:
EXISTING RIGHT OF WAY (STATE)
EXISTING RIGHT OF WAY (CITY)
EXISTING PROPERTY LINES
FUTURE RIGHT OF WAY
ROUTE 99
LASPINA ST
PAIGE AVE
BLACKSTONE ST
T.I.D.G.
PROPOSED TWO LANE STRUCTURE FLYOVER FOR THROUGH MOVEMENTS
FUTURE R/W
EXIST. R/W
MATCH LINE "A"
YEAR 2040 ROUNDABOUT EXHIBIT
CONCEPTUAL ALTERNATIVE 4
PAIGE AVE/ROUTE 99 I/C
(CALTRANS TCR)
CITY OF TULARE, CA
omni-means
EX4
1 , 1

ATTACHMENT F

INTERSECTION LEVEL OF SERVICE CALCULATION
BLACKSTONE STREET/PAIGE AVENUE
2036 CUMULATIVE PLUS PROJECT (SIGNALS ALTERNATIVE) – PM PEAK HOUR

(Source: Stantec, *Final Report - Traffic Impact Study of Proposed Pilot Travel Center*, March 16, 2018)

Tulare Pilot Travel Center TIA
5: Blackstone St & Paige Ave

2036 Plus Project PM Peak Hour_Signal
8/28/2017

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Future Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		0.97	1.00		0.99	1.00		0.99
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652
Adj Flow Rate, veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Adj No. of Lanes	1	4	1	2	3	1	1	1	2	2	1	1
Peak Hour Factor	0.90	0.90	0.90	0.87	0.87	0.87	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	15	15	15	15	15	15	15	15	15	15	15	15
Cap, veh/h	129	1207	292	683	1597	483	124	410	610	241	410	346
Arrive On Green	0.08	0.21	0.21	0.37	0.59	0.59	0.08	0.25	0.25	0.08	0.25	0.25
Sat Flow, veh/h	1573	5683	1376	3053	4510	1365	1573	1652	2457	3053	1652	1396
Grp Volume(v), veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Grp Sat Flow(s),veh/h/ln	1573	1421	1376	1526	1503	1365	1573	1652	1228	1526	1652	1396
Q Serve(g_s), s	4.9	13.3	4.5	17.0	7.1	6.3	6.0	9.7	18.9	6.0	5.5	4.4
Cycle Q Clear(g_c), s	4.9	13.3	4.5	17.0	7.1	6.3	6.0	9.7	18.9	6.0	5.5	4.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	129	1207	292	683	1597	483	124	410	610	241	410	346
V/C Ratio(X)	0.81	0.86	0.33	1.19	0.47	0.43	1.05	0.59	1.05	1.27	0.36	0.29
Avail Cap(c_a), veh/h	228	1271	308	683	1597	483	124	410	610	241	410	346
HCM Platoon Ratio	1.00	1.00	1.00	1.67	1.67	1.67	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.81	0.81	0.81	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.3	28.8	25.3	23.8	11.5	11.3	35.0	25.1	28.6	35.0	23.6	23.1
Incr Delay (d2), s/veh	11.1	5.7	0.6	97.6	0.2	0.5	96.1	6.0	51.7	151.5	2.4	2.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.5	5.6	1.8	16.3	2.8	2.4	5.9	5.1	10.7	7.6	2.8	1.9
LnGrp Delay(d),s/veh	45.4	34.5	26.0	121.4	11.6	11.8	131.4	31.1	80.3	186.5	26.0	25.2
LnGrp LOS	D	C	C	F	B	B	F	C	F	F	C	C
Approach Vol, veh/h		1232			1764			1014			553	
Approach Delay, s/veh		34.8			62.2			75.3			115.0	
Approach LOS		C			E			E			F	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.0	23.9	21.0	21.1	10.0	23.9	10.2	31.9
Change Period (Y+Rc), s	4.0	5.0	4.0	5.0	4.0	5.0	4.0	5.0
Max Green Setting (Gmax), s	6.0	18.0	17.0	17.0	6.0	18.0	11.0	23.0
Max Q Clear Time (g_c+I1), s	8.0	20.9	19.0	15.3	8.0	7.5	6.9	9.1
Green Ext Time (p_c), s	0.0	0.0	0.0	0.8	0.0	4.2	0.1	10.4

Intersection Summary	
HCM 2010 Ctrl Delay	64.1
HCM 2010 LOS	E

HCM 2010 Signalized Intersection Summary
Stantec

Synchro 9 Report
Page 5

ATTACHMENT G

DESIGN VEHICLE INFORMATION

(Source: Caltrans, *Highway Design Manual*, December 30, 2015)

or AutoCAD. Dimensions taken from the vehicle diagrams in Figures 404.5A through G may be inputted into the computer program by creating a custom vehicle if the vehicle is not already included in the software library. The software can also create a vehicle turn template that conforms to any degree curve desired.

404.4 Design Vehicles and Related Definitions

(1) The Surface Transportation Assistance Act of 1982 (STAA).

(a) STAA Routes. STAA allows certain longer trucks called STAA trucks to operate on the National Network. After STAA was enacted, the Department evaluated State routes for STAA truck access and created Terminal Access and Service Access routes which, together with the National Network, are called the STAA Network. Terminal Access routes allow STAA access to terminals and facilities. Service Access routes allow STAA trucks one-mile access off the National Network, but only at identified exits and only for designated services. Service Access routes are primarily local roads. A "Truck Route Map," indicating the National Network routes and the Terminal Access routes is posted on the Department's Office of Commercial Vehicle Operations website and is also available in printed form.

(b) STAA Design Vehicle. The STAA design vehicle is a truck tractor-semitrailer combination with a 48-foot semitrailer, a 43-foot kingpin-to-rear-axle (KPRA) distance, an 8.5-foot body and axle width, and a 23-foot truck tractor wheelbase. Note, a truck tractor is a non-load-carrying vehicle. There is also a STAA double (truck tractor-semitrailer-trailer); however, the double is not used as the design vehicle due to its shorter turning radius. The STAA Design Vehicle is shown in Figures 404.5A and B.

The STAA Design Vehicle in Figures 404.5A or B should be used on the National Network, Terminal Access, California Legal, and Advisory routes.

(c) STAA Vehicle – 53-Foot Trailer. Another category of vehicle allowed only on STAA routes has a maximum 53-foot trailer, a maximum 40-foot KPRA for two or more axles, a maximum 38-foot KPRA for a single axle, and unlimited overall length. This vehicle is not to be used as the design vehicle as it is not the worst case for offtracking due to its shorter KPRA. The STAA Design Vehicle should be used instead.

(2) California Legal.

(a) California Legal Routes. Virtually all State routes off the STAA Network are California Legal routes. There are two types of California Legal routes, the regular California Legal routes and the KPRA Advisory Routes. Advisory routes have signs posted that state the maximum KPRA length that the route can accommodate without the vehicle offtracking outside the lane. KPRA advisories range from 30 feet to 38 feet, in 2-foot increments. California Legal vehicles are allowed to use both types of California Legal routes. California Legal vehicles can also use the STAA Network. However, STAA trucks are not allowed on any California Legal routes. The Truck Route Map indicating the California Legal routes is posted on the Department's Office of Commercial Vehicle Operations website.

(b) California Legal Design Vehicle. The California Legal vehicle is a truck tractor-semitrailer with the following dimensions: the maximum overall length is 65 feet; the maximum KPRA distance is 40 feet for semitrailers with two or more axles, and 38 feet for semitrailers with a single axle; the maximum width is 8.5 feet. There are also two categories of California Legal doubles (truck tractor-semitrailer-trailer); however, the doubles are not used as the design vehicle due to their shorter turning radii. The California Legal Design Vehicle is shown in Figures 404.5C and D.

The California Legal Design Vehicle in Figures 404.5C and D should only be used

when the STAA design vehicle is not feasible and with concurrence from the District Truck Manager.

(3) 40-Foot Bus.

(a) 40-Foot Bus Routes. All single-unit vehicles, including buses and motor trucks up to 40 feet in length, are allowed on virtually every route in California.

(b) 40-Foot Bus Design Vehicle. The 40-Foot Bus Design Vehicle shown in Figure 404.5E is an AASHTO standard. Its 25-foot wheelbase and 40-foot length are typical of city transit buses and some intercity buses. At intersections where truck volumes are light or where the predominate truck traffic consists of mostly 3-axle units, the 40-foot bus may be used. Its wheel path sweeps a greater width than 3-axle delivery trucks, as well as smaller buses such as school buses.

(4) 45-Foot Bus & Motorhome.

(a) 45-Foot Bus & Motorhome Routes. The "45-foot bus and motorhome" refers to bus and motorhomes over 40 feet in length, up to and including 45 feet in length. These longer buses and motorhomes are allowed in California, but only on certain routes.

The 45-foot tour bus became legal on the National Network in 1991 and later allowed on some State routes in 1995. The 45-foot motorhome became legal in California in 2001, but only on those routes where the 45-foot bus was already allowed. A Bus and Motorhome Map indicating where these longer buses and motorhomes are allowed and where they are not allowed is posted on the Department's Office of Commercial Vehicle Operations website.

(b) 45-Foot Bus and Motorhome Design Vehicle. The 45-Foot Bus & Motorhome Design Vehicle shown in Figure 404.5F is used by Caltrans for the longest allowable bus and motorhome. Its wheelbase is 28.5 feet. It is also similar to the AASHTO standard 45-foot bus. Typically this should be the smallest design vehicle used on a State highway. It may be used where the State highway intersects local streets without commercial or industrial traffic.

The 45-Foot Bus and Motorhome Design Vehicle shown in Figure 404.5F should be used in the design of all interchanges and intersections on all green routes indicated on the Bus and Motorhome Map for both new construction and rehabilitation projects. Check also the longer standard design vehicles on these routes as required – the STAA Design Vehicle and the California Legal Design Vehicle in Indexes 404.4(1) and (2).

(5) 60-Foot Articulated Bus.

(a) 60-Foot Articulated Bus Routes. The articulated bus is allowed a length of up to 60 feet per CVC 35400(b)(3)(A). This bus is used primarily by local transit agencies for public transportation. There is no master listing of such routes. Local transit agencies should be contacted to determine possible routes within the proposed project.

(b) 60-Foot Articulated Bus Design Vehicle. The 60-Foot Articulated Bus Design Vehicle shown in Figure 404.5G is an AASHTO standard. The routes served by these buses should be designed to accommodate the 60-Foot Articulated Bus Design Vehicle.

404.5 Turning Templates & Vehicle Diagrams

Figures 404.5A through G are computer-generated turning templates at an approximate scale of 1"=50' and their associated vehicle diagrams for the design vehicles described in Index 404.3. The radius of the template is measured to the outside front wheel path at the beginning of the curve. Figures 404.5A through G contain the terms defined as follows:

(1) Tractor Width - Width of tractor body.

(2) Trailer Width - Width of semitrailer body.

(3) Tractor Track - Tractor axle width, measured from outside face of tires.

(4) Trailer Track – Semitrailer axle width, measured from outside face of tires.

(5) Lock To Lock Time - The time in seconds that an average driver would take under normal driving conditions to turn the steering wheel of a vehicle from the lock position on one side to the lock position on the other side. The default in AutoTurn software is 6 seconds.

(6) Steering Lock Angle - The maximum angle that the steering wheels can be turned. It is further defined as the average of the maximum angles made by the left and right steering wheels with the longitudinal axis of the vehicle.

(7) Articulating Angle - The maximum angle between the tractor and semitrailer.

Topic 405 - Intersection Design Standards

405.1 Sight Distance

(1) Stopping Sight Distance. See Index 201.1 for minimum stopping sight distance requirements.

(2) *Corner Sight Distance.*

(a) General--At unsignalized intersections a substantially clear line of sight should be maintained between the driver of a vehicle, bicyclist or pedestrian waiting at the crossroad and the driver of an approaching vehicle. Line of sight for all users should be included in right of way, in order to preserve sight lines.

Adequate time must be provided for the waiting user to either cross all lanes of through traffic, cross the near lanes and turn left, or turn right, without requiring through traffic to radically alter their speed.

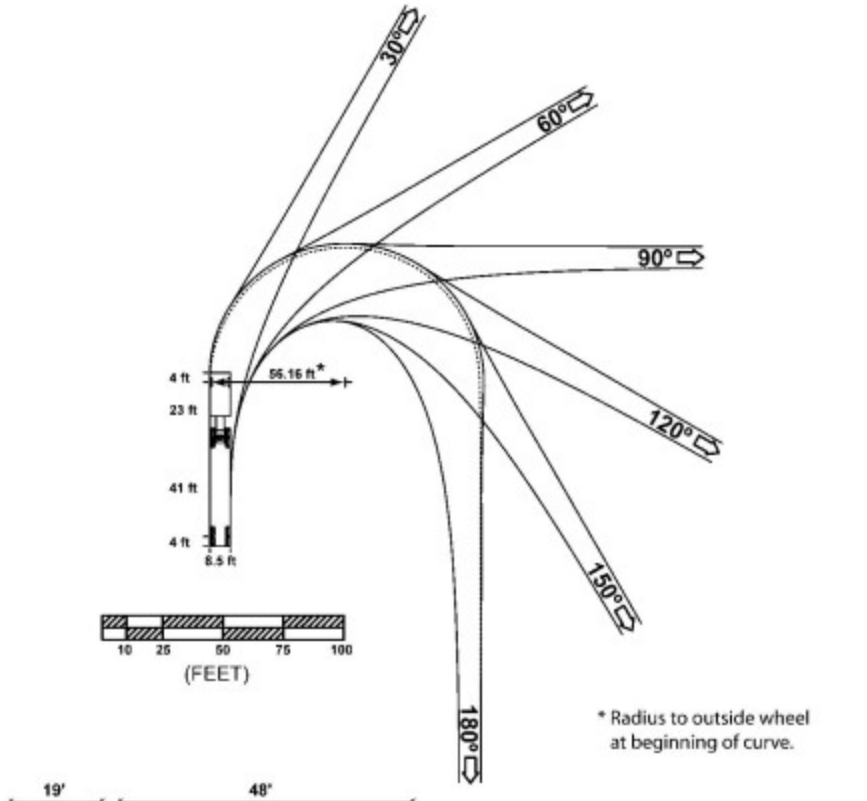
The values given in Table 405.1A provide 7-1/2 seconds for the driver on the crossroad to complete the necessary maneuver while the approaching vehicle travels at the assumed design speed of the main highway. The 7-1/2 second criterion is normally applied to all lanes of through traffic in order to cover all possible maneuvers by the vehicle at the crossroad. However, by providing the standard corner sight distance to the lane nearest to and farthest from the waiting vehicle, adequate time should be obtained to make the necessary movement. On multilane highways a 7-1/2 second criterion for the outside lane, in both directions of travel, normally will provide increased sight distance to the inside lanes. Consideration should be given to increasing these values on downgrades steeper than 3 percent and longer than 1 mile (see Index 201.3), where there are high truck volumes on the crossroad, or where the skew of the intersection substantially increases the distance traveled by the crossing vehicle.

In determining corner sight distance, a set back distance for the vehicle waiting at the crossroad must be assumed. **Set back for the driver of the vehicle on the crossroad shall be a minimum of 10 feet plus the shoulder width of the major road but not less than 15 feet.** Line of sight for corner sight distance is to be determined from a 3 and 1/2-foot height at the location of the driver of the vehicle on the minor road to a 4 and 1/4-foot object height in the center of the approaching lane of the major road as illustrated in Figure 504.3I. If the major road has a median barrier, a 2-foot object height should be used to determine the median barrier set back.

In some cases the cost to obtain 7-1/2 seconds of corner sight distances may be excessive. High costs may be attributable to right of way acquisition, building removal, extensive excavation, or immitigable environmental impacts. In such cases a lesser value of corner sight distance, as described under the following headings, may be used.

(b) Public Road Intersections (Refer to Topic 205)--At unsignalized public road intersections (see Index 405.7) corner sight distance values given in Table 405.1A should be provided.

Figure 404.5A
STAA Design Vehicle
56-Foot Radius



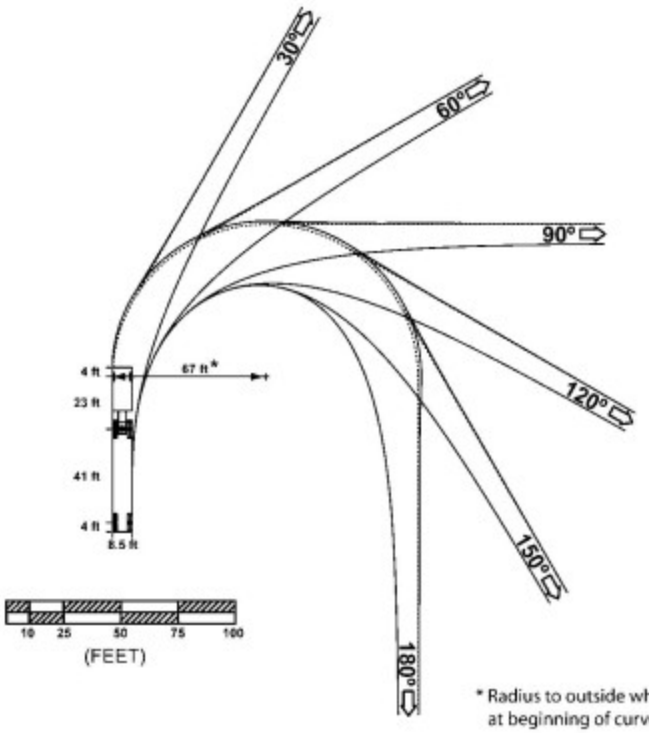
STAA - STANDARD

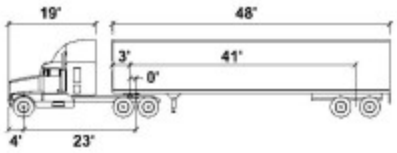
Tractor Width	: 8.5'	Lock to Lock Time	: 6 seconds
Trailer Width	: 8.5'	Steering Lock Angle	: 26.3 degrees
Tractor Track	: 8.5'	Articulating Angle	: 70 degrees
Trailer Track	: 8.5'		

Note: For definitions, see Indexes 404.1 and 404.5.

Figure 404.5B

STAA Design Vehicle
67-Foot Radius





LEGEND

Swept Width (Body)
Tracking Width (Tires)

STAA - STANDARD

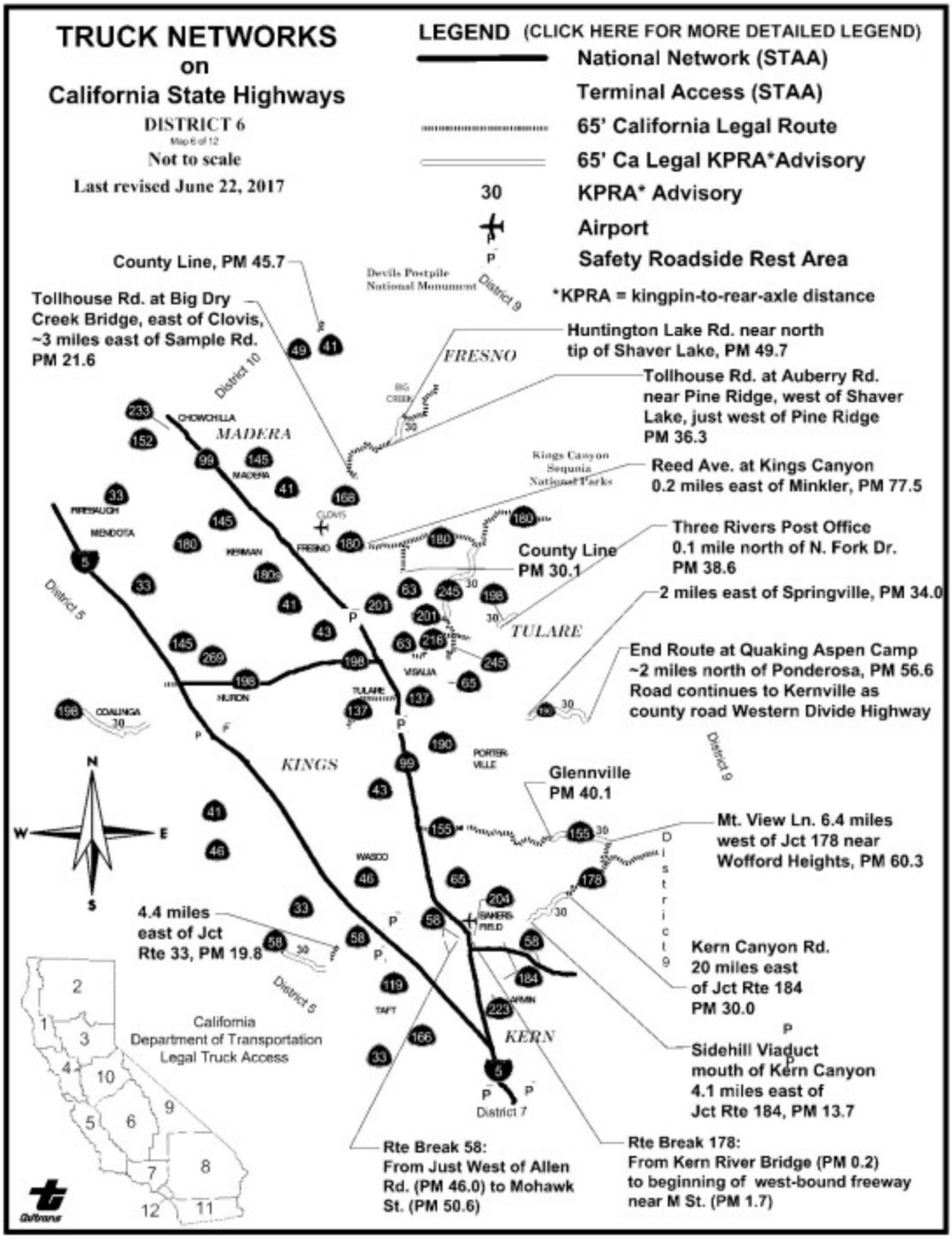
Tractor Width	: 8.5'	Lock to Lock Time	: 6 seconds
Trailer Width	: 8.5'	Steering Lock Angle	: 26.3 degrees
Tractor Track	: 8.5'	Articulating Angle	: 70 degrees
Trailer Track	: 8.5'		

Note: For definitions, see Indexes 404.1 and 404.5.

ATTACHMENT H

TRUCK NETWORKS ON CALIFORNIA STATE HIGHWAYS

(Source: Caltrans, Office of Commercial Vehicle Operations, June 22, 2017)


TRUCK NETWORKS
on
California State Highways
DISTRICT 6
Map 6 of 12
Not to scale
Last revised June 22, 2017
LEGEND (CLICK HERE FOR MORE DETAILED LEGEND)
National Network (STAA)
Terminal Access (STAA)
65' California Legal Route
65' Ca Legal KPRA*Advisory
KPRA* Advisory
Airport
Safety Roadside Rest Area
*KPRA = kingpin-to-rear-axle distance
County Line, PM 45.7
Tollhouse Rd. at Big Dry Creek Bridge, east of Clovis, ~3 miles east of Sample Rd. PM 21.6
Huntington Lake Rd. near north tip of Shaver Lake, PM 49.7
Tollhouse Rd. at Auberry Rd. near Pine Ridge, west of Shaver Lake, just west of Pine Ridge PM 36.3
Reed Ave. at Kings Canyon 0.2 miles east of Minkler, PM 77.5
Three Rivers Post Office 0.1 mile north of N. Fork Dr. PM 38.6
County Line PM 30.1
2 miles east of Springville, PM 34.0
End Route at Quaking Aspen Camp ~2 miles north of Ponderosa, PM 56.6 Road continues to Kernville as county road Western Divide Highway
Glennville PM 40.1
Mt. View Ln. 6.4 miles west of Jct 178 near Wofford Heights, PM 60.3
4.4 miles east of Jct Rte 33, PM 19.8
Kern Canyon Rd. 20 miles east of Jct Rte 184 PM 30.0
Sidehill Viaduct mouth of Kern Canyon 4.1 miles east of Jct Rte 184, PM 13.7
Rte Break 58: From Just West of Allen Rd. (PM 46.0) to Mohawk St. (PM 50.6)
Rte Break 178: From Kern River Bridge (PM 0.2) to beginning of west-bound freeway near M St. (PM 1.7)
California Department of Transportation Legal Truck Access
FRESNO
MADERA
KINGS
TULARE
KERN
District 5
District 6
District 7
District 9
District 10
Devils Postpile National Monument
Kings Canyon Sequoia National Parks
CHOWCHILLA
MADERA
FRESNO
CLOVIS
MENDOTA
KERMAN
HURON
COALINGA
VISALIA
TULARE
PORTERVILLE
WASCO
SHAFTER
TAFT
DELANO
Caltrans

TRUCK MAP LEGEND
TRUCK LENGTHS & ROUTES

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Caltrans

Click here for the Truck Network Map

CALIFORNIA LEGAL ROUTES California Legal trucks (black trucks) can travel on STAA routes (green and blue routes), CA Legal routes (black routes), and Advisory routes (yellow routes). CA Legal trucks have access to the entire State highway system except where prohibited (some red routes).

California Legal Truck Tractor - Semitrailer

Semitrailer length	:	no limit
KPRA*	:	40 feet maximum for two or more axles, 38 feet maximum for single-axle trailers
Overall length	:	65 feet maximum *(KPRA = kingpin-to-rear-axle)

California Legal Truck Tractor - Semitrailer - Trailer (Doubles)

Option A

Trailer length	:	28 feet 6 inches maximum (each trailer)
Overall length	:	75 feet maximum

Option B

Trailer length	:	one trailer 28 feet 6 inches maximum other trailer may be longer than 28 feet 6 inches
Overall length	:	65 feet maximum

CA LEGAL ADVISORY ROUTES - CA Legal trucks only; however, ***travel not advised*** if KPRA length is over posted value. KPRA advisories range from 30 to 38 feet.

STAA ROUTES The STAA Network allows the "interstate" STAA trucks which are the green trucks shown below. The STAA Network consists of the National Network (green routes, primarily interstates) and Terminal Access routes (blue, primarily State routes). ("STAA" = federal Surface Transportation Assistance Act of 1982.)

(Click here for the Truck Network Map.)

Interstate "STAA" Truck Tractor - Semitrailer

Semitrailer length	:	48 feet maximum
KPRA*	:	no limit
Overall length	:	no limit *(KPRA = kingpin-to-rear-axle)

Semitrailer length	:	over 48 feet up to 53 feet maximum
KPRA	:	40 feet maximum for two or more axles, 38 feet maximum for single-axle trailers
Overall length	:	no limit

Interstate "STAA" Truck Tractor - Semitrailer - Trailer (Doubles)

Trailer length	:	28 feet 6 inches maximum (each trailer)
Overall length	:	no limit

Terminal Access - Interstate "STAA" trucks may travel on State highways that exhibit this sign.

Service Access - Interstate "STAA" trucks may travel up to one road mile from the off ramp to obtain services (food, fuel, lodging, repairs), provided the route displays this sign.

SPECIAL RESTRICTIONS - Route restricted for vehicle length or weight, cargo type, or number of axles. Click here for the list of Special Route Restrictions.

ATTACHMENT I

PROFESSIONAL RESUME
NEAL K. LIDDICOAT, P.E.

NEAL K. LIDDICOAT, P.E.
PRINCIPAL

Education

BSCE / Michigan State University, 1977

Graduate Studies, University of Tennessee, 1977 – 1980

Professional Affiliations

Institute of Transportation Engineers – Fellow

American Society of Civil Engineers - Member

Registrations

California – Civil Engineer C35005

Michigan – Professional Engineer 6201037605

Mr. Liddicoat has 40 years of experience in the analysis of a broad range of traffic engineering, parking, and transportation planning issues, for both public and private sector clients. He has conducted traffic and parking analyses for a wide variety of development proposals, including office buildings, retail/commercial centers, multiplex cinemas, and residential projects. He has a particular expertise in the analysis of unique development proposals, including stadiums, arenas, convention centers, theme parks, and other facilities where large numbers of vehicles and pedestrians converge in a short period of time.

Mr. Liddicoat has developed and presented seminars on technical procedures and quality control in the conduct of traffic impact analyses, both in-house and as a co-instructor for the UCLA Extension Public Policy Program. For several years, he served as instructor for the traffic engineering portion of the Civil Engineering licensing exam review course conducted by the Sacramento chapter of the American Society of Civil Engineers. Significant traffic impact analysis experience includes the following selected projects:

- ***Folsom, CA – Over 50 traffic analyses, including:***
  - ***Folsom Heights Mixed-Use***
  - ***Broadstone Estates***
  - ***Bidwell Pointe Residential***
  - ***Serenade Senior Housing***
  - ***Commons at Prairie City***
  - ***Country House Memory Care***
  - ***Prospect Ridge Residential***
- ***STAPLES Center Traffic Impact Analysis, Los Angeles, CA***
- ***Sacramento City College Transportation Master Plan Analysis, Sacramento, CA***
- ***Raley Field Traffic and Parking Analysis, West Sacramento, CA***
- ***Convention Center Traffic & Parking Studies, Sacramento, Los Angeles, and Anaheim***
- ***Disney's "California Adventure" Preliminary Traffic Analysis, Anaheim, CA***
- ***Warner Bros. Studios Master Plan, Burbank, CA***
- ***Elk Grove Boulevard Master Plan, Elk Grove, CA***
- ***CSUS Bicycle/Pedestrian Study, Sacramento, CA***
- ***SR 99/Twin Cities Road Traffic Operations, Galt, CA***
- ***Thunder Valley Casino, Placer County, CA***

Mr. Liddicoat is frequently called upon to serve as an expert "peer reviewer" for traffic impact analyses prepared by others. In that role, he has commented on the technical adequacy of traffic studies for a variety of projects, including retail centers, office complexes, and mixed-use master plans. His recent experience as a peer reviewer includes the following selected projects:

- ***Village at Squaw Valley, Placer County, CA***
- ***LAX Landside Access Modernization, Los Angeles, CA***
- ***Granite Bay Circulation Study, Placer County, CA***
- ***Oil Exploration Zoning Ordinance, Kern County, CA***
- ***State Route 85 Express Lanes, Santa Clara Co., CA***
- ***Vacaville General Plan, Vacaville, CA***
- ***Martis Valley West Specific Plan, Placer County, CA***
- ***LAX Terminals 2/3 Modernization, Los Angeles, CA***
- ***Town & Country Hotel/Convention Ctr, San Diego, CA***
- ***University Community Plan, San Diego, CA***
- ***Canyon Springs Residential, Truckee, CA***
- ***Fresno General Plan, Fresno, CA***
- ***Saddle Crest Homes, Orange County, CA***
- ***Brentwood Manor Hotel, Los Angeles, CA***
- ***Highway 43/198 Retail Center, Hanford, CA***
- ***Materials Recovery Facility, Irwindale, CA***
- ***Bridgepointe Master Plan Amendment, San Mateo, CA***
- ***Frog's Leap Winery, Napa County, CA***

Griffin Cove Transportation Consulting, PLLC

EXHIBIT B

Council to consider locations for south Tulare interchange

Luis Hernandez, lhernan@visaliatimesdelta.com Published 7:07 p.m. PT Nov. 10, 2016

(Photo: Ron Holmes)

A new or improved Highway 99 interchange at the southern tip of Tulare is needed to bolster the chances for development in that part of town, Interim City Manager Paul Melikian said.

"It's no secret the current Paige Avenue overpass is an impediment to growth in the south Tulare area," he said. "The Paige Avenue overpass has been deemed substandard."

On Tuesday, Tulare council will be asked to consider, from five options, picking the location of that interchange. This will be a second look for the council. But they don't have much time.

The Tulare County Associations of Government, which administers Measure R funds, the local tax earmarked for transportation projects, has an estimated $25 million to help pay for the project. Additional money will be needed to finish financing the project.

"TCAG doesn't like holding on to tax money," Melikian said. "They want to put it on the street."

Tulare Vice Mayor Carlton Jones said only the best option should be considered. The project is located within his council district.

"Out of the five alternatives, I didn't see one that works," he said. "I want to see one that works best. We have to see that."

Melikian said there's always an option to step away from TCAG's offer, but it could cost them the project.Other county projects also need financing. It may take a while for the Tulare interchange to get atop the list, again.

"It takes time to build that amount of money," Melikian said. "It's possible it could be 20 years before the city has another opportunity."

Jones said the council should consider an option that doesn't slow down businesses.

"The best move is the one that everybody agrees on; one that has little impact on existing businesses," Jones said. "We don't want to do something that would hurt our businesses. It doesn't make sense."

Closing the on- and off-ramps at Paige, eliminating the easy, right-off-the-freeway access would hurt businesses such as Love's Truck Stop and Roche Oil, among others.

Roche Oil's Susan Duyst said she wants council to consider rebuilding the Paige overpass. Duyst praised TCAG and its administration of Measure R funds. Improving the Paige Avenue overpass was among TCAG's projects.

"Redoing Paige, that's what we have been counting on," she said. "We are hoping they take a look."

Duyst said the option to rebuild Paige is not being looked at as much she would like.

Roche Oil, a local, family-owned business, moved to its current location four decades ago. The business started with a single building that has turned into a full-service gas station and oil company. Some years ago, Roche Oil was given a property improvement award.

In wanting the Paige overpass rebuilt, Duyst is supporting an option different from the International Agri-Center's Board of Director. The Agri-Center hosts World Ag Expo, the largest agriculture trade show in the country.

"We love the Farm Show. We are proud to have it in Tulare," she said. "Our business depends on ag."

Jerry Sinift, International Agri-Center general manager, said he prefers the option that calls for building the interchange at Industrial Avenue, about a mile south of Paige. That option keeps the overpass at Paige, but the on- and off-ramps at Paige would close.

Sinift said the project to improve the Paige overpass or build a new one is long overdue. He also said development will likely follow.

"This is a project that should have happened years ago," he said. "I think it will be a good thing."

Loving Love's

On Thursday, truck driver Alfredo Romero said he would hate to lose the easy access to Love's Truck Stop. He said he drives for a Bay Area company with distribution locations in Southern California.

Romero said he uses Love's Truck Stop as a midway point to exchange cargo.

"We have things they need and they have things we need," he said. "We meet here."

Romero said he picked Love's Truck Stop because it offers all the things needed for truckers, including fuel and services for big rigs and food for drivers.

"It's perfect for us," he said. "It's convenient. They have everything."

Big rig drivers, Romero said, look for convenience.

Decision makers

Much like Roche Oil and the Agri-Center, council members differ on what's the best option for the project.

Council, with Mayor David Macedo stepping down because of conflict, knotted up on an option the Agri-Center supports.

Last week, council members Craig Vejvoda and Shea Gowin supported the option backed by the Agri-Center while Jones and Maritza Castellanoz Munoz opposed it.

Jones said a decision that hinders local business may bring liability.

"The city will be out a lot of money," he said. "The city can't afford that much money. I don't want to put the city in that position."

Melikian said having four council members shouldn't pose a problem. The process of selecting a location will be the same as any other. Council majority is needed and, if no majority is reached, the item fails.

"The business of the city must go on," he said.

And it will be council's decision. City administrators are not making a recommendation on the project

Melikian said selecting the interchange's new location is a complex issue. But there's seemingly a common goal.

"We value all the stakeholders. We value all the businesses. We value all the property owners," he said. "We want what's best for the city."

How to attend

What: Tulare City Council meeting

When: 7 p.m., Tuesday

Where: Council Chamber, 491 N. M St.

Online: www.tulare.ca.gov.

Read or Share this story: http://vid-tar.co/2fi685V

EXHIBIT C

Council split on Paige project

Luis Hernandez, lhernan@visaliatimesdelta.com Published 8:07 p.m. PT Nov. 16, 2016 | Updated 8:52 p.m. PT Nov. 16, 2016

(Photo: Luis Hernandez)

The project to bring a new interchange to south Tulare (/story/news/local/2016/11/10/council-consider-locations-south-tulare-interchange/93625898/) stalled Tuesday night, failing to get enough support from a majority of council members.

The city council split two-two, Mayor David Macedo abstained. The project planned an interchange at either Commercial or Industrial avenues, moving away from the Paige Avenue overpass.

There was a request to approve partial funding for an Environmental Impact Report on the proposed interchanges, which council split on.

The project comes after the California Department of Transportation, Caltrans, labeled the Paige Avenue interchange "sub-standard." As a solution, a new interchange was proposed just down Highway 99.

Councilman Craig Vejvoda said a new interchange at the southern tip of Tulare would bring economic development and jobs to the area. Council's actions hurt those efforts, he said.

"Paige as an interchange is a mess most of the time," he said.

Vejvoda added that the new interchange would also increase tax revenue and improve air quality. He said council is passing up on money from Measure R, the local tax used to finance infrastructure projects. Tulare County Association of Governments manages the money.

"It's a travesty," he said. "It's a total disservice to the taxpaying residents of the city of Tulare."

Vice Mayor Carlton Jones, who opposed financing the EIR, said none of the proposals includes improving Paige. Moving the interchange, Jones said, hurts the current businesses, including Roche Oil, the Paige Avenue Truck stop and gas station and Budget Inn motel.

"I didn't see anything that improves Paige," he said. "I only saw options that close or cut Paige in half."

Jones continued: "I can't wait to see a proposal for Paige to make it fit. I would love to see a proposal that makes Paige a four-lane bridge with improved on- and off-ramps. I haven't seen anything that makes me think Paige is the priority."

Councilwoman Maritsa Castellanoz also opposed approving the EIR funding.

TCAG Executive Director Ted Smalley said Measure R would be used to fund most of the EIR cost. Tulare pledged to pay for the rest. TCAG also has $25 million of Measure R money set aside for the project.

"It's a city project," he said. "We will wait to hear from the city of Tulare."

Vejvoda said Tulare should take advantage of the money. Voting against it goes well beyond just failing to support the EIR funding.

"It's saying no to new businesses in south Tulare. It's saying no to hundreds, maybe thousands of jobs," Vejvoda said. "Paige, as it's, can't sustain any further development."

Vejvoda said and there are plans for building a Pilot Flying J truck stop at Paige and Blackstone Street, right across from Love's Travel Stop. Vejvoda said the opening of a new truck stop will likely increase business for the two stops.

"Imagine getting a new Pilot stop," Vejvoda said. "Imagine the jobs created and the tax revenue."

An option for the proposed project includes keeping Paige overpass open, but closing the ramps. Another option calls for keeping the southbound on-ramp open.

Jones, however, said approving any proposal other than one that improves Paige overpass will hurt the current businesses.

"We have to come up with a plan that works," he said. "I am not going to hurt these people."

The interchange is within Jones' council district.

A council's decision that hurts local businesses creates financial liability for Tulare, Jones said.

"We can't afford to do that," he said.

Roche Oil's Susan Duyst said she wants to see Paige overpass improved, as it has been promised for nearly two decades.

Love's Travel Stop, through a local representative, called for council to approve funding for the EIR.

The International Agri-Center, which hosts the World Ag Expo, supports an option that calls for building a new interchange south of Paige, but keeps the overpass open.

Read or Share this story: http://vtd-tar.co/2fyK3Ab

EXHIBIT D

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7306
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

May 24, 2007

2135-IGR/CEQA
6-TUL-99-27.60
LOVE'S TRUCK STOP
"AMENDED" TRAFFIC IMPACT STUDY

Mr. Mark S. Kielty, A.I.C.P.
Director of Planning and Building
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

Dear Mr. Kielty:

Thank you for the opportunity to review the Love's Truck Stop & Country Stores "Amended" Traffic Impact Study (TIS). The project proposes the construction of an 8,000 square foot convenience store/fast food building with 24 fueling stations, and one truck scale gas station. The project is located at the southwest corner of Paige Avenue and Blackstone Street, and is contiguous to the State Route (SR) 99/Paige Avenue interchange, in the City of Tulare. Caltrans has the following comments:

This letter will supercede our letter of February 14, 2007. (Copy enclosed)

The City with the passage of Measure R, Development Fees and project opening day mitigation, is prioritizing the Paige Avenue Interchange Improvement Project. The 1993 Project Study Report (PSR), has changed due to new standards and revisions, includes right-of-way acquisition from the project parcel along Paige Avenue and the freeway side. The existing development in the vicinity has increased the traffic utilizing the local streets and the interchange and new State standards will expand the proposed interchange footprint. Caltrans has requested in its comments on previous projects that a new PSR for the SR 99/Paige Avenue interchange be completed. The Intergovernmental Review Process is intended to address development conflicts such as this. The project should not be building within area needed for a new interchange. They should be required to dedicate right-of-way for the ultimate interchange. Caltrans is concerned that development decisions are relying on an outdated PSR and TIS.

The Paige Avenue Interchange Improvement Project PSR includes reconstruction of the existing overcrossing bridge. This will result in a change in the profile of Paige, beyond Blackstone. It is roughly estimated that the profile on Paige at Blackstone will increase the centerline pavement elevation 1.3 to 1.8 feet. On site improvements and drainage should be designed to account for future modifications to the Paige and Blackstone Street profiles.

As an opening day condition this project should mitigate the opening day impacts with the following improvements:

"Caltrans improves mobility across California"

1. Relocate the north bound (NB) on and off ramp termini to the east. The existing NB ramp roadbed is a shared access road for private development (motel, mobile home park, gas station/truck stop). The remaining private property access will continue to obtain ingress and egress at the existing Paige Avenue intersection. This intersection should be limited to right in, right out only movements. A raised median should be constructed on Paige Avenue as part of the signalization and lane additions. A Caltrans B3 curb is an inexpensive interim raised median option.

2. Signalize the NB ramps and Laspina Intersections on Paige Avenue.

3. Establish "stop" control on Blackstone at the south bound (SB) off ramp intersection. Provide a dedicated north bound right turn lane with yield control for the right-turn movement to SB Route 99.

4. Increase the deceleration lane length and acceleration lane lengths on SR 99 for the two NB ramps and the one SB off ramp in accordance with the attached drawings.

5. Provide a west-bound right (WBR) and west-bound left (WBL) lane on the SB off ramp terminus. The storage length for the WBR should be not less than 170 feet with a 120-foot bay taper.

6. The minimum lane configuration on the local road is found on Table 1 in the report prepared by Omni Means. Table 1 does not provide sufficient storage length as it is based on "existing + project". The storage lengths should be increased to account for portions of the approved projects' queuing. Increasing the queue lengths is consistent with standard engineering methods for traffic studies and would account, in part, for the period of time between opening day and completion of the new interchange.

7. Access Control Rights should be provided in the name of the Department of Transportation with the Tentative Vesting Map between Blackstone and the freeway. In addition, right-of-way dedication for the ultimate SB on ramp should be provided in the name of the Department of Transportation. Both of these features should be determined after engineering studies, sufficient to ensure the right-of-way is fully compatible with the new interchange and Love's site would not be impacted in the future.

8. Right-of-way on Paige should be sufficient to provide dual left turn lanes, 3 through lanes in each direction, dedicated right turn lanes at Blackstone and Laspina, and an auxiliary lane over the freeway for the shared SB on ramp and NB loop on ramp. These represent the minimum conditions for the ultimate right-of-way. These conditions are not intended to address the Commercial Entertainment complex east of the airport. Special event traffic from this development needs to fully mitigate its impacts at this and other locations.

The City should be planning for additional interim mitigation. This mitigation is not required for opening day of Love's but is an expected need given the growth trends and queuing that could adversely impact the State Highway System. The following are items that are expected in the near future.

A. Construct the ultimate SB on ramp from Paige, including an east-bound auxiliary lane between Blackstone the SB on ramp terminus.

B. Signalize the intersections of Paige and Blackstone and the SB off ramp and Blackstone. These two intersections would be coordinated with the SB off ramp (WBL movement) and SB Blackstone movement on a lead phase and the NB Blackstone movement on a lag phase.

C. Add lanes to the Blackstone and Laspina intersections on Paige to increase the through put capacity away from the freeway, thereby clearing the queues.

Without a detailed design of the interim improvements, it is our opinion that non-standard features will be an unavoidable consequence of working with the existing facility. This will require documentation of the non-standard features through the Design Exception Fact Sheet approval process. Nothing in this letter or attached herewith should be construed as approval for non-standard features. The detailed design and analysis required for the interim improvements will include truck turning and off-tracking analysis. Significant engineering judgment and coordination with Caltrans Design and Traffic Units will be required during the geometric design process.

This letter is intended to address the interim improvements. The Traffic Study provided a 2030 scenario. This scenario will be subject to further analysis during the PSR and PA&ED phases. The traffic study for the new interchange should address the pending General Plan Update. Caltrans Traffic would like to meet to discuss the Paige Avenue Interchange PSR, the Agri-center/International Drive interchange, the Design Period, land uses incorporated in the future General Plan and model runs, and the geometric design incorporated in the PSR.

The determination as to whether or not a PSR is needed for the interim improvements can only be determine after additional engineering studies have been undertaken. Interim improvements should be in place before Love's opening-day traffic impacts occur, potentially impacting State Highway System operations or safety.

A modification of the existing Maintenance Agreement will be needed for the new improvements.

We have reviewed the site plan for the proposed Love's development. We recommend the following:

The heaviest driveway movements will occur at the first driveway, south of Paige Avenue. The concentration of car fuel islands should be located further from Paige. In addition, the on site circulation is poor. Buildings separate cars and trucks, which can be desirable but does not reasonably, provide for an error should a car enter the truck area or a truck enter the car area. Greater on site circulation should be provided. All sign structures are subject to Caltrans permit review. Finally, if at all possible, two driveways should be provided rather than three.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments and a copy of the Council resolution related to the proposed project. If you have any questions regarding our comments, please me at 488-7306.

Sincerely,

AL DIAS
Office of Transportation Planning
District 6

Cc: Mr. Darrel Pyle, City Manager

Mr. Ted Smalley, Tulare County Association of Governments
Deputy Executive Director

Mr. Mike Miller, Traffic Engineer
Traffic Engineering

Enclosures

"Caltrans improves mobility across California"

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
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Flex your power!
Be energy efficient!

February 14, 2007

2135-IGR/CEQA
6-TUL-99-27.60
LOVE'S TRUCK STOP
TRAFFIC IMPACT STUDY

Mr. Mark S. Kielty, A.I.C.P.
Director of Planning and Building
City of Tulare
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The City with the passage of Measure R, Development Fees and project opening day mitigation, is prioritizing the Paige Avenue Interchange Improvement Project. The Project Study Report (PSR), dated 9/23/93, includes right of way acquisition from the project parcel along Paige Avenue and the freeway side. The existing development in the vicinity has increased the traffic utilizing the local streets and the interchange and new State standards will expand the proposed interchange footprint. Caltrans has requested in its comments on previous projects that a new PSR for the SR 99/Paige Avenue interchange be completed. The Intergovernmental Review Process is intended to address development conflicts such as this. The project should not be building within area needed for a new interchange. They should be required to dedicate right of way for the ultimate interchange. Caltrans is concerned that development decisions are relying on an outdated PSR and TIS.

The proposed PSR on-ramp to southbound SR 99 will obtain access on Paige Avenue. The Love's TIS indicates that a driveway is proposed on Paige. Caltrans Standard 504.8 requires access control along Paige Avenue. In addition, AASHTO and Caltrans preclude driveways from auxiliary lanes, from the operational limits of the ramp, and within the on-ramp striping limits. As such, no driveway should be permitted on Paige between Blackstone and the freeway.

As an opening day condition, new northbound SR 99 on/off ramps are to be constructed along with traffic signals at the ramp termini. In addition, the Paige Avenue/Laspina Street and Paige

Avenue/Blackstone Street intersections are to be signalized prior to the opening day. All traffic signals on Paige Avenue between Laspina Street and Blackstone Street should be synchronized. A Maintenance Agreement needs to be prepared between Caltrans and the City for on-going maintenance and control of the signal master controller.

The TIS proposes prorate share of 18.4% for the southbound ramps and 20.2% for the northbound ramps. There should be a prorata share for the overall interchange reconstruction under the 2030 build-out scenario. The City should be collecting fees from other development as part of a consistent approach to the 2030 general plan improvements.

The TIS needs to determine how the remainder of the opening day improvements will be completed. Under CEQA, these improvements must be in place prior to opening day. The study needs to define the present cost of the ramps and the interchange to determine the actual pro-rata cost?

What is the truck percentage used in the analysis? The saturated flow summary sheets do not provide the truck percentages or reduction factors in the output.

As a truck stop served by the freeway, diverted trips apply to the ramps. The TIS needs to identify the diverted trip component applied to the ramps?

A detailed operational analysis of the signal at Paige and Blackstone needs to occur. We find the *Traffix* analysis insufficient. It is believed that this intersection needs to be signalized for safety and operations. We are concerned that the southbound left on Blackstone and the westbound left from the ramp will not function as presented. Please submit this supplemental analysis using Synchro. If your study finds that signal warrants still are not met, submit 6the study as if the signal is present.

The intersection of SR 99 southbound ramps at Blackstone Street will need to be signalized as future traffic volumes increase. The signal controller and ancillary improvements should be designed to accommodate this future improvement.

What is the Loves' driveway spacing along Blackstone? The TIS has completed signal warrant investigations for each of the driveways. Does the owner propose to signalize any of these driveways? Queuing data is not available for Intersection 5. Please check the northbound Blackstone queuing and southbound left-turn movement into Loves. Please provide an explanation of the driveways spacing and operations, traffic projections shortcomings, queuing analysis, and future signal plans along Loves' frontage.

The Paige Avenue Interchange Improvement Project (PSR) includes reconstruction of the existing overcrossing bridge. This will result in a change in the profile of Paige, beyond Blackstone. It is roughly estimated that the profile on Paige at Blackstone will increase the centerline pavement elevation 1.3 to 1.8 feet. On site improvements and drainage should be designed to account for future modifications to the Paige and Blackstone Street profiles.

Please provide in Synchro the 2030 queuing lengths, signal timing, and lane configuration for westbound Paige Avenue at the new southbound PSR ramp intersection and the Blackstone Street intersection. All queues should be provided in the 95 percentile.

The developer should submit site plans for review. All *Traffix* submittals should include the 50th and 95th percentile queuing data. District 6 Traffic Operations prefers Synchro as the basis of signalized intersection analysis.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments and a copy of the Council resolution related to the proposed project. If you have any questions regarding the TIS, please call Mr. Steven McDonald at (559) 444-2483 or Mr. Joe Espinosa at (559) 488-4348. If you have any questions, please call me at (559) 488-7306.

Sincerely,

AL DIAS
Office of Transportation Planning
District 6

Cc: Mr. Darrel Pyle, City Manager

Mr. Ted Smalley, Tulare County Association of Governments
Deputy Executive Director

Mr. Mike Miller, Traffic Engineer
Traffic Engineering

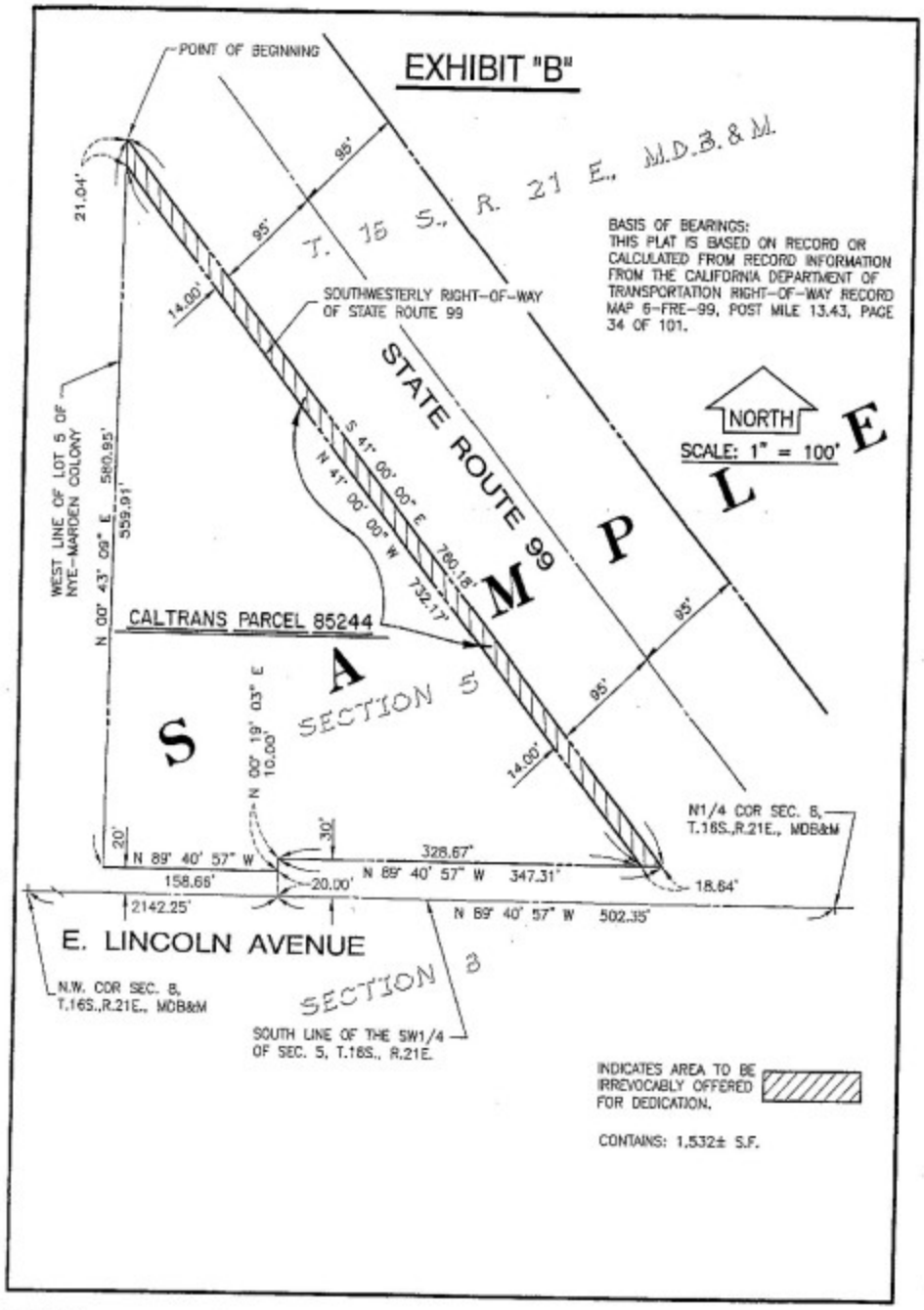


EXHIBIT "B"
POINT OF BEGINNING
T. 15 S., R. 21 E., M.D.B.&M.
BASIS OF BEARINGS:
THIS PLAT IS BASED ON RECORD OR CALCULATED FROM RECORD INFORMATION FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY RECORD MAP 6-FRE-99, POST MILE 13.43, PAGE 34 OF 101.
NORTH
SCALE: 1" = 100'
SOUTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 99
STATE ROUTE 99
WEST LINE OF LOT 5 OF NYE-MARDEN COLONY
N 00° 43' 09" E 580.95'
559.91'
21.04'
95'
14.00'
S 41° 00' 00" E 780.18'
N 41° 00' 00" W 732.17'
CALTRANS PARCEL 85244
SECTION 5
N 00° 19' 03" E 10.00'
20'
30'
N 89° 40' 57" W
158.65'
328.67'
N 89° 40' 57" W 347.31'
18.64'
2142.25'
20.00'
N 89° 40' 57" W 502.35'
N1/4 COR SEC. 5, T.16S.,R.21E., MDB&M
E. LINCOLN AVENUE
N.W. COR SEC. 5, T.16S.,R.21E., MDB&M
SECTION 8
SOUTH LINE OF THE SW1/4 OF SEC. 5, T.16S., R.21E.
INDICATES AREA TO BE IRREVOCABLY OFFERED FOR DEDICATION.
CONTAINS: 1,532± S.F.

Rev. 4/21/08

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
CENTRAL REGION SOUTHEAST SURVEYS
855 "M" STREET
SUITE 200
FRESNO, CA. 93721
ATTN: Calvin Henry
PHONE (559) 445-6573
FAX (559) 445-6560
E-mail: Calvin_Henry@dot.ca.gov

Flex your power!
Be energy efficient!

CALTRANS DISTRICT 6
CENTRAL REGION SURVEYS OFFICE

REQUIRED INFORMATION FOR R/W DEDICATIONS

1) A Copy of the vesting deed(s) for the subject property.

2) Either a copy of a Title Report, or Guarantee of the subject property, **DATED WITHIN 30 DAYS OF SUBMITTAL** of the Dedication Package.

3) Copy of the Assessor's Map.

4) Assessor's Parcel Number (APN) of the property, if not stated in the Title Report.

5) State whether the property is within city limits or in an unincorporated area, if not stated in the Title Report.

6) If the property is a lot of a Tract or a parcel of a Parcel Map, provide the lot or parcel number and a copy of the recorded map(s).

7) Provide copies of any record map or deed cited in the documents provided.

8) If unsubdivided land, note the Section, Township, and Range where the property is located.

9) A Legal description of the dedication parcel signed and sealed by a Licensed Professional Land Surveyor or a Civil Engineer registered prior to 1982 on 81/2" X 11" paper. Letter EXHIBIT "A" at the top of the legal description (see attached sample legal).

10) A Platt showing pertinent survey data, such as bearings, distances, and curve data, where applicable, and the area of the dedication parcel on 81/2" X 11" paper. If the parcel is located in unsubdivided land, show ties to the nearest two section corners and/or quarter-section corners. Letter EXHIBIT "B" at the top of the Plat (see attached sample plat).

11) A Copy of the traverse calculations, if a metes and bounds description, for the dedication parcel to include error of closure and area.

"Caltrans improves mobility across California"

12) A Copy of the **CALTRANS REQUIREMENTS** describing the location and amount of right-of-way to be dedicated. This can be acquired from the Caltrans Planning Department, Caltrans Permits Department, or local Government agency requiring the dedication.

NOTE:

If any of the above listed items are not submitted, it will either cause a delay or halt in the Dedication process.

If there are any questions, please contact Calvin Henry, Caltrans Surveys Department, at 559-445-6573.

Mail packet of information to:

DEPARTMENT OF TRANSPORTATION
CENTRAL REGION SOUTHEAST SURVEYS
855 "M" STREET
SUITE 200
FRESNO, CA. 93721

ATTN: Calvin Henry

Rev. 3/6/06

"Caltrans improves mobility across California"

EXHIBIT E

Tulare plan threatens longtime family business

COURTNEY ROCHE JR. Published 12:02 a.m. PT Oct. 27, 2016

OTHER VIEWS
COMMENTARY

More than 53 years ago, my parents, Courtney and Hazel Roche, used half their life savings to buy two trucks and office equipment to start a fuel business in Tulare. They earned just $234 their first month, but they stuck with it and grew over the years, even through the 1970s oil crisis and two major recessions.

We moved Roche Oil to the northwest corner of Paige Avenue and Highway 99 in 1974 and continued to grow, investing in new equipment and facilities, and generating sales and fuel taxes that benefit the state and city, particularly in transportation funding.

Our family's relationship with the city of Tulare has been positive over the years. After learning that the city planned to improve the Paige interchange at Highway 99, we invested nearly a million dollars to expand Roche Oil in 1997 to capture and retain Highway 99 traffic and improve the area.

In 2002, then-City Manager Kevin Northcraft and Mayor William Cooke sent Mom and Dad a letter to congratulate them for being among the city's top 25 sales tax generators for the quarter. The City Council also honored our family on Roche Oil's 50th anniversary in 2013.

But now, for the second time in 20 years, a city plan change is being considered that would significantly damage our business. The new plan proposes to recommend that Caltrans strip highway access from us and other Paige Avenue businesses and move it an eighth-mile south to benefit land owners in that area. Disregarding our businesses' long-time tax contributions and investment, the new proposal recommends ditching the long-standing plan to upgrade Paige Avenue and instead permanently close the Paige on and off ramps and build an interchange at Industrial Avenue instead.

This plan would have a significant negative impact on Roche Oil and other businesses that have bought, developed and improved property in anticipation of the Paige interchange upgrades. It would lower our property values and reduce incentive to develop. The plan also would promote leap-frog development and urban sprawl. It would take freeway access from multiple established businesses and give it to land owners whose consultant has been lobbying city officials for years.

When that consultant and city officials starting pushing to close Paige on-ramps and off-ramps the first time, back in 1999, so many businesses and community members opposed the plan that it was quickly dropped. Yet here we are again, facing the same plan with the same destructive outcome.

The city's reasons for the plan and timing in this second round are murky. We agree that we'd like more development and better traffic flow in South Tulare, but wouldn't the promised upgrades to the Paige interchange promote that? In fact, an improved Paige interchange surely would benefit both existing Paige Avenue and future Industrial Avenue businesses, creating a win-win alternative. Do they really need to ruin Paige Avenue businesses to develop others at Industrial Avenue an eighth-mile away?

And why is their plan suddenly so urgent? I have to wonder if the upcoming election has something to do with this sudden pressure. They'll have a new city council after Nov. 8 and a fresh new chance to quickly push through an unpopular plan.

Our family is joining other businesses and property owners in fighting the closure plan again. We agree that we need to improve traffic flow and freeway access in South Tulare. Let's work together to develop an option that doesn't hurt established businesses. We'd like to continue growing with Tulare as we have since 1963. We hope that the city will reconsider this destructive plan and instead find a win-win for the businesses that support it.

Interested community members also are invited to attend a city workshop on South Tulare freeway options at 5:30 p.m. Tueday, Nov. 1, in City Council Chambers, 491 North M St., or contact their City Council members at 559-684-4200.

Courtney Roche Jr. is a Tulare resident

Read or Share this story: http://vid-tar.co/2exWN9L

Response to Comment A: REMY MOOSE MANLEY LLP (Representing Love's Travel Stops & Country Stores)

Response A-1: The commenter provides an introduction to the comment letter, stating the law office of Remy Moose Manley LLP represents Love's Travel Stops & Country Stores with respect to their property located across from the proposed Project. The commenter provides some background with regards to their client's business both locally and nationally. The commenter states the following comments included in the letter all focus on the Project's transportation-related effects which could impact Love's.

These comments are noted. This comment is an introduction to the letter and does not require further response.

Response A-2: The commenter provides a background to the Love's site and location, and states that the State Route 99/Paige Avenue interchange already experiences problems with truck traffic leaving the freeway off-ramps from the north at a stop sign on South Blackstone Street just north of Paige Avenue. The commenter states that it was their understanding that Caltrans would be building a major new modern interchange that would solve the existing and projected deficiencies with the current configuration, and is disappointed that this interchange project has yet to come to fruition.

Caltrans is currently studying four (4) build alternatives to provide a new SR 99 interchange between Paige Avenue and Avenue 200. One of the alternatives proposes to reconstruct the existing Paige Avenue Interchange. For this alternative, the intersections at Paige/Blackstone & Paige/Laspina will be reconstructed to accommodate additional turn & through lanes on Paige Avenue, Blackstone Street, and Laspina Street. Blackstone Street will be widened/realigned to accommodate forecasted traffic volume.

As described in Appendix F of the DEIR, a Project Study Report (PSR) has been approved, and Caltrans is currently working on a Project Approval and Environmental Document (PAED) phase of the project which could take several years to complete. As this is a Caltrans project, it is assumed that they will follow their established public process for obtaining public input on the project. A copy of the PSR is contained in Appendix F of the DEIR.

Additionally, as identified in the Tulare County Association of Governments (TCAG) 2014 Regional Transportation Plan (RTP), SR-99/Paige Ave interchange improvements are included as a Caltrans [(IIP/RTIP/Measure R Interchange Project) (CT-RTP 07-014)] that includes Major Operational I/C improves, which includes the widening of on/off

ramps and the bridge structure at the SR-99/Paige Ave interchange. TCAG RTP project (CT-RTP 07-014) is included in the adopted 2014 RTP, as Constrained Capacity Increasing Project with an identified Open to Traffic (OT) date of 2026. This project (CT-RTP 07-014), is included in the TCAG 2018 Draft RTP as a Regionally Funded Roads Constrained Capacity Increasing Project for Inclusion in the Tulare County 2018 Regional Transportation Plan (Action Element) with an OT year of 2030.

Ultimately interchange improvements on a state highway, such as SR 99, are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements. The City of Tulare has, and will continue to, work with the Caltrans and TCAG to improve the transportation system to address system-wide transportation impacts. As stated previously, currently Caltrans is considering a new interchange on SR 99 at Paige Avenue, and major interchange improvements. Major Operational I/C improvements included in the TCAG RTP constrained project list include the widening of on/off ramps and the bridge structure at the SR 99/Paige Ave interchange.

The City has been working with TCAG to obtain Measure 'R' funds. Additionally, the City is requiring the payment of a fair share fee, for cumulative impacts. Fair share payments are intended to mitigate for a project's cumulative impacts. (See, e.g., CEQA Guidelines § 15130, subd. (a)(3)). Caltrans is studying several alternatives, which includes alternative locations for an interchange. Ultimately, Caltrans will make the final determination on the preferred alternative, which is not known at this time. Since the interchange and improvements must be approved by Caltrans and the timing of cumulative improvements is unknown, the DEIR text concludes that there would be a significant and unavoidable impact.

Response A-3: The commenter states that Love's obtained the Draft EIR and retained the services of a professional traffic engineering firm, Griffin Cove Transportation Consulting (Griffin Cove), to review the traffic study and Remy Moose Manley LLP to review that chapter for legal adequacy and, in particular, to assess the legal sufficiency of the proposed strategies for mitigating the Project's transportation-related effects.

These comments are noted. This comment provides background information and context to the letter and does not require further response.

Response A-4: The commenter provides an introduction to their findings, which the commenter states are detailed further within the comment letter. The commenter states that the traffic study and Transportation and Circulation chapter are insufficient due a number of technical flaws and omissions, and requested that the traffic study be revised, and that the Transportation and Circulation chapter of the Draft EIR must be

updated and recirculated for additional public review pursuant to CEQA Guidelines section 15088.5.

These comments are noted. Individual responses related to specific technical information and analysis in the Traffic Impact Study and Draft EIR are provided as they relate to specific comments in their respective sections (see responses A-14 through A-26). This comment is generally introductory and provides background information and context to the letter and does not require further response.

Response A-5: The commenter states that as a result of the inadequate traffic study, the Draft EIR improperly ignores or defers the formulation of adequate mitigation of the Project's significant traffic-related impacts, on both a project-specific and cumulative basis. Approval of the Project as proposed would thus likely lead to full breakdown of intersections at and near the Project site. Such an outcome would not only likely entirely restrict access to the Love's facility during peak hours; the outcome would also conflict with the City's General Plan, and thus be unlawful for that reason alone. The commenter states that the City cannot approve any project that will violate General Plan, Policy TR-P2.3, and approval of the Project based on the current traffic study and EIR would not only violate CEQA, but would also violate the California Planning and Zoning Law (Gov. Code,§ 65000 et seq.).

These comments are noted. The City has incorporated mitigation whereby the applicant would be required to pay its fair share of traffic improvements to maintain acceptable levels of service. The City cannot require an applicant to pay for impacts caused by other developments. For instance, there is an unacceptable LOS under existing conditions. The existing conditions are not caused by the proposed project, instead they are caused by existing projects including the Love's project. Following the logic of the commenter's comments, the City should not have approved the Love's project and would be unable to approve any use permits or business permits authorizing continued operation of the Love's facility given that it contributes to an unacceptable level of service. The City does not desire to obstruct businesses that are generally consistent with the General Plan, even if there are interim impacts that occur while the City pursues the installation of infrastructure consistent with the General Plan. Unfortunately, the City does not control all funding, design, and construction of infrastructure in the City (i.e. state highway system), but City staff continues to work and cooperate with Caltrans on behalf of the citizens and business owners in the City.

From a practical standpoint, the City recognizes that growth and development, and infrastructure installation are not always aligned perfectly. The City understands that interchange improvements on the state highway system are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements. The City of Tulare has, and will continue to, work with the Caltrans to improve the

transportation system to address system-wide transportation impacts. We note that Caltrans is currently considering a new interchange on SR 99 at Paige Avenue, and major interchange improvements, including a widening of the on/off ramp at this intersection is included in the TCAG RTP's constrained project list, and is considered a Caltrans/IIP/RTIP Measure R Interchange project. Additionally, as described previously Caltrans is studying several alternatives, which includes alternative locations for an interchange. Ultimately, Caltrans will make the final determination on the preferred alternative, which is not known at this time. The City is requiring the payment of a fair share fee, for cumulative impacts. Fair share payments are intended to mitigate for a project's cumulative impacts. (See, e.g., CEQA Guidelines § 15130, subd. (a)(3). Since the interchange improvements must be approved by Caltrans and the timing of cumulative improvements is unknown, the DEIR text concludes that there would be a significant and unavoidable impact. In effect, there is the potential for an interim impact until such time that the improvements are actually installed.

In addition to the fair share payments required for cumulative impacts, the project will implement opening day improvements for existing plus project impacts. With the improvements identified in the updated Mitigation Measure 3.12-1 (Detailed in Response A-24), all four study intersections, which were determined to have unacceptable LOS (below LOS D) under existing plus project conditions will operate at LOS D or better after signalization as part of the Opening Day improvements.

The project has been reviewed for consistency with General Plan Policy TR-P2.3, and all project impacts to study intersections have been reviewed for constancy with this policy. In cases where LOS was determined to fall below the "desired" LOS of D, the significance determination was made consistent with the threshold established by Policy TR-P2.3, and mitigation was identified. See Response A-14 for additional information related to Tulare General Plan Policy TR-P2.3 consistency findings.

Response A-6: The commenter states that they are hopeful that, with the benefit of their comments, the City can revise the traffic study and Transportation and Circulation chapter in a manner that both properly identifies problems and formulates real solutions. The commenter also is hopeful that the City will renew its efforts to find the funds and obtain the permits needed for major improvements at Paige Avenue and SR 99.

As previously discussed, the City understands that interchange improvements on the state highway system are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements.

The City of Tulare has, and will continue to, work with the Caltrans and TCAG to improve the transportation system to address system-wide transportation impacts. As

stated previously, currently, Caltrans is considering a new interchange on SR 99 at Paige Avenue, and major interchange improvements. Major Operational I/C improvements included in the TCAG RTP constrained project list include the widening of on/off ramps and the bridge structure at the SR 99/Page Ave interchange.

The City has been working with TCAG to obtain Measure 'R' funds. Additionally, the City is requiring the payment of a fair share fee, for cumulative impacts. Fair share payments are intended to mitigate for a project's cumulative impacts. (See, e.g., CEQA Guidelines § 15130, subd. (a)(3). Caltrans is studying several alternatives, which includes alternative locations for an interchange. Ultimately, Caltrans will make the final determination on the preferred alternative, which is not known at this time. Since the interchange improvements must be approved by Caltrans and the timing of all identified improvements is unknown, the DEIR text concludes that there would be a significant and unavoidable impact. In effect, there is the potential for an interim impact until such time that the improvements are actually installed.

Response A-7: The commenter states that the existing Love's Travel Center sits immediately to the east of the Project site and traffic conditions at nearby intersections and freeway on- and off-ramps are significantly strained and provides several news articles and council meetings where traffic issues in this area have been discussed.

This comment is noted. The City staff recognizes the need for improvements to the interchange, which is being studied by Caltrans. The DEIR includes an analysis of LOS under various conditions (i.e. existing, existing plus approved projects, etc.) in the Draft EIR. City staff concurs that there is a need for improvements to the interchange given the LOS analysis provided in the DEIR. As a result of the analysis, the City has incorporated mitigation that would require the applicant to pay its fair share of the interchange and other cumulative improvements, while also disclosing impacts that will remain significant and unavoidable.

In addition to fair share payments required for cumulative impacts, the project will implement opening day improvements for existing plus project impacts. With the improvements identified in Mitigation Measure 3.12-1 (Detailed in Response A-24), all four study intersections, which were determined to have unacceptable LOS (below LOS D) under existing plus project conditions will operate at LOS D or better after signalization as part of the Opening Day improvements.

Response A-8: The commenter states that the in response to the traffic problems at and near the Paige Avenue interchange, the City and Caltrans have long had plans to construct improvements, and that Love's has made land concessions in anticipation of interchange improvements.

These comments are noted. As identified in the Tulare County Association of Governments (TCAG) 2014 Regional Transportation Plan (RTP), SR-99/Paige Ave interchange improvements are included as a Caltrans [(IIP/RTIP/Measure R Interchange Project) (CT-RTP 07-014)] that includes Major Operational I/C improves, which includes the widening of on/off ramps and the bridge structure at the SR-99/Paige Ave interchange. TCAG RTP project (CT-RTP 07-014) is included in the adopted 2014 RTP, as Constrained Capacity Increasing Project with an identified Open to Traffic (OT) date of 2026. This project (CT-RTP 07-014) is included in the TCAG 2018 Draft RTP as a Regionally Funded Roads Constrained Capacity Increasing Project for Inclusion in the Tulare County 2018 Regional Transportation Plan (Action Element) with an OT year of 2030.

Additionally, Caltrans is currently studying four (4) build alternatives to provide a new SR 99 interchange between Paige Avenue and Avenue 200. One of the alternatives proposes to reconstruct the existing Paige Avenue Interchange. For this alternative, the intersections at Paige/Blackstone & Paige/Laspina will be reconstructed to accommodate additional turn & through lanes on Paige Avenue, Blackstone Street, and Laspina Street. Blackstone Street will be widened/realigned to accommodate forecasted traffic volume. As described in Appendix F of the DEIR, a Project Study Report (PSR) has been approved, and Caltrans is currently working on a Project Approval and Environmental Document (PAED) phase of the project which could take several years to complete. As this is a Caltrans project, it is assumed that they will follow their established public process for obtaining public input on the project. A copy of the PSR is contained in Appendix F of the DEIR.

The City staff recognizes the need for improvements to the interchange, which is being studied by Caltrans. The DEIR includes an analysis of LOS under various conditions (i.e. existing, existing plus approved projects, etc.) in the Draft EIR. City staff concurs that there is a need for improvements to the interchange given the LOS analysis provided in the DEIR. As a result of the analysis, the City has incorporated mitigation that would require the applicant to pay its fair share of interchange and other cumulative improvements, while also disclosing impacts that will remain significant and unavoidable.

Response A-9: The commenter states that other area businesses have planned on, and rely on, circulation improvements to the SR-99/Paige Ave interchange. The commenter states that Love's is concerned that the City may no longer be committed to a new Paige Avenue interchange. The commenter states that if a new interchange is no longer feasible, the City and Caltrans should pursue alternative improvements that achieve and maintain no worse than LOS D. If no solution can be identified and implemented

before a new Pilot opens for business, then the City should decline to approve the Pilot Project.

This comment is noted. The City staff recognizes the need for improvements to the interchange, which is being studied by Caltrans. The DEIR includes an analysis of LOS under various conditions (i.e. existing, existing plus approved projects, etc.) in the Draft EIR. City staff concurs that there is a need for improvements to the interchange given the LOS analysis provided in the DEIR. As a result of the analysis, the City has incorporated mitigation that would require the applicant to pay its fair share of interchange and other cumulative improvements.

In addition to fair share payments required for cumulative impacts, the project will implement opening day improvements for existing plus project impacts. With the improvements identified in Mitigation Measure 3.12-1 (Detailed in Response A-24), all four study intersections, which were determined to have unacceptable LOS (below LOS D) under existing plus project conditions will operate at LOS D or better after signalization as part of the Opening Day improvements.

As has been stated in earlier responses, ultimately major interchange improvements are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements. Interchange improvements remain in the Tulare County Association of Governments (TCAG) 2014 Regional Transportation Plan (RTP), SR-99/Paige Ave interchange (CT-RTP 07-014). The traffic analysis included a copy of the PSR-PDS approved by Caltrans in 2017 for a new interchange. The next step is the PA&ED process. Following PA&ED, Caltrans would move the project into the PSE phase, before it would be able to be approved for bidding. Interchange improvements are programmed in the TCAG RTP, but the timing for approval of a new interchange is uncertain given that it is outside the control of the City.

Response A-10: The commenter references the Draft EIR, p. 2.0-2 project description and objectives. The commenter provides a summary of the project description

These comments are noted. No response is warranted.

Response A-11: The commenter references the procedural background for the preparation of the DEIR stating that *"The City published a Notice of Preparation for the Project in February of 2016 and spent the ensuing two-plus years preparing the Draft EIR. During that entire time, the City never contacted or sought any input from Love's, even though Love's will be the most directly and negatively affected by the Project. When Love's received the Draft EIR for the Project, Love's had no choice in light of its serious concerns about the potential traffic impacts but to expend financial resources to hire an objective transportation engineer to review the Draft EIR and associated traffic impact study (TIS)."* The commenter references a letter from Neal K. Liddicoat, P.E., Principal at

Griffin Cove Transportation Consulting, PLLC, which was attached to the commenter's letter. The referenced letter states that a number of technical errors, omissions, and deficiencies are contained in both the TIS and the EIR.

As stated in DEIR Page 1.0-2 through 1.0-3, the City of Tulare circulated a Notice of Preparation (NOP) of an EIR for the Pilot Flying J Travel Center on February 5, 2016 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on February 25, 2016 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. The NOP was properly noticed. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the DEIR. Love's did not attend the public scoping meeting or provide NOP comments during the NOP process.

Additionally, the City of Tulare recirculated a NOP (2nd NOP) on August 15, 2016 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A second public scoping meeting was held on September 6, 2016 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the DEIR. Love's did not attend the second public scoping meeting or provide NOP comments during the recirculated NOP process.

Individual responses related to Griffin Cove's comments on the technical analysis are provided in responses presented later in this document as the actual comments are presented.

Response A-12: The commenter states that *"approving additional development without properly studying impacts and requiring necessary mitigation to account for added traffic and resulting circulation problems would dramatically worsen the already strained existing situation. The Project would exacerbate existing conditions at off-ramps and preclude access entirely (both ingress and egress) to the Love's Travel Center during peak traffic conditions. But the EIR does not offer any solutions for these impacts."*

As stated in DEIR pg. 3.12-15 through 3.12-16 the following intersections would operate at unacceptable LOS under existing Plus Project Conditions: Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Paige Avenue (renamed as Blackstone Street),

SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue. Additionally, as stated in DEIR pg. 3.12-15 through 3.12-16 the above four intersections would operate at acceptable LOS if signalized.

The City of Tulare is committed to improving the transportation system to address transportation impacts. Cities may impose conditions on development so long as the conditions are reasonable and there exists a sufficient nexus between the conditions imposed and the projected burden of the proposed development. Further, cities must prove that such conditions have a "rough proportionality" to the development's impact. The City of Tulare standard for traffic impact fees (as required by Dolan v. City of Tigard "rough proportionality") requires developers to pay their fair share of the traffic impacts.

This fair share concept represents a commonly accepted technique for individual development to bear its fair share of impacts. While the applicants can contribute fees, they are generally unable to undertake offsite roadway improvements unilaterally due to cost and property ownership issues. The City has held the proposed project to this standard. As stated in DEIR pg. 3.12-16 and 4.0-24, the project would be required to contribute its fair share of funding towards the construction of improvements, which when completed would reduce impacts to study intersections to acceptable LOS.

However, the City recognizes that transportation improvements that are over and above the projects fair share contribution are needed to improve circulation within the project area. Therefore, the City included Mitigation Measure 3.12-1 to identify and fund needed improvements consistent with Municipal Code Chapter 8.56: (Development Impact Mitigation Fees), and Chapter 8.64 (Oversized Construction Reimbursement). Specific Details related to the required improvements that are above and beyond fair share require the City and Developer to enter into a Development Agreement.

In addition to fair share payments that the City is requiring of the project applicant for cumulative impacts, the project will implement opening day improvements for existing plus project impacts. With the improvements identified in Mitigation Measure 3.12-1 (Detailed in Response A-24), all four study intersections, which were determined to have unacceptable LOS (below LOS D) under existing plus project conditions will operate at LOS D or better after signalization as part of the Opening Day improvements.

Response A-13: The commenter states that *"The analysis and the proposed mitigation in the TIS and the Draft EIR are insufficient under CEQA, and the Project would conflict with the City's General Plan in direct violation of Planning and Zoning Law."* The commenter notes that significant traffic impacts have gone unreported, and in order to comply

with CEQA and to ensure that traffic impacts from the Project are adequately mitigated, the City must prepare and recirculate a substantially revised TIS and Transportation and Circulation Chapter. The commenter, in representing Love's, respectfully requests that the City not approve the Project unless and until the City has complied with these requirements.

These comments are noted. The DEIR and TIS clearly identify impacts under various conditions (i.e. existing, existing plus approved projects, etc.). The DEIR and TIS clearly identify conditions at segments and intersections that are operating under an acceptable and unacceptable level of service. The commenter's allegation of inadequacy is unsupported in this comment, rather it is a blanket opinion that the mitigation in not adequate. As has been previously stated in earlier responses, the City of Tulare is committed to improving the transportation system to address transportation impacts. As stated in DEIR pg. 3.12-16 and 4.0-24, the project would be required to contribute its fair share of funding towards the construction of improvements, which when completed would reduce impacts to study intersections to acceptable LOS. Mitigation Measure 3.12-1 addresses the funding requirement for traffic improvements caused by the proposed project. The DEIR concludes that the impact is significant and unavoidable because the City cannot feasibly on its own build the needed improvement on the state highway system. Such improvements are designed and constructed at the discretion of Caltrans. The DEIR does, however, note that the applicant would be required to pay its fair share of the identified improvements and that once it is constructed it would improve the LOS to an acceptable level. Furthermore, as has been stated, Caltrans is actively studying and planning the intersection improvement project at the SR 99 / Page intersection, and per the latest Draft RTP document (2018), the project has an anticipated completion and OT date of 2030.

Under the signal alternative, all study intersections would operate at LOS D or better. With construction of all proposed signalization improvements, this would be a less than significant and less than cumulatively considerable impact. However, only a portion of the identified improvements are programmed for the near term. Thus, the finding of significant and unavoidable was made, since improvement timing is not guaranteed.

Nonetheless, the project applicant would be required to contribute its fair share of traffic impact fees to assist in funding this currently ongoing interchange and signal improvements, which when construction is completed, will benefit the applicant as well as Love's. The City is actively working with Caltrans and will continue to do so on the interchange improvements project, simultaneous to this project, to ensure that existing LOS impacts as well as those occurring with construction of this Pilot Flying J project would not be permanent.

See Response A-14 for additional information related to Tulare General Plan Policy TR-P2.3 consistency findings.

Response A-14: The commenter notes that *the Project as proposed would conflict with the City of Tulare General Plan, and provides background and context of associated case law.* The commenter states that a City cannot "override" a conflict with a fundamental, mandatory, and clear provision of the General Plan as though it were a significant unavoidable impact permitted to occur under CEQA with issuance of a Statement of Overriding Considerations (pursuant to CEQA Guidelines section 15093). Rather, such a conflict makes Project approval unlawful under the Planning and Zoning law, regardless of the Council's possible willingness to adopt a Statement of Overriding Considerations. The commenter states "*Put simply, approving a Project that would conflict with "shall" language in the General Plan violates the law.*" The commenter references Tulare General Plan Policy TR-P2.3, and states that The City of Tulare General Plan requires that the City maintain Level of Service (LOS) D, and concludes that projects, or conditions not meeting the LOS D standard would be in violation of the City of Tulare General Plan. General Plan Policy TR-P2.3 states *"Level of Service Standard. The City shall maintain Level of Service of "D," as defined in the Highway Capacity Manual (published by the Transportation Research Board of the National Research Council), as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate."* The commenter also references a court case and seeks to apply the court's decision to this project. The commenter states: "*Endangered Habitats League is directly on point. There, similarly, the general plan stated that "LOS C shall ... be maintained on Santiago Canyon Road links .... " (Endangered Habitats League, supra, 131 Cal.App.4th at p. 783.) Ignoring that standard, the County approved a project that would degrade the LOS below C. The court determined that under those circumstances it could not "find the mitigated project [was] consistent with the general plan. The inescapable conclusion [was] the project conflicts with the general plan because of the impact it [would] have on traffic .... " (Id. at p. 785.) The same is true here.*

These comments are noted. The City does maintain Level of Service (LOS) D as the minimum "desirable" service level at which freeways, arterial streets, collector streets and their intersections should operate. The City's General Plan has established this level of service for analyzing and mitigating traffic conditions to the extent feasible, although the General Plan provides flexibility for instances where this level of service cannot be met. The traffic analysis utilized this standard, and mitigation was incorporated whereby the applicant would be required to install improvement to maintain the standard and pay its fair share of regional and cumulative traffic improvements to maintain this minimum standard. The analysis and mitigation measures from the DEIR are consistent with the General Plan standard. The project is

mitigated to this standard. The commenter's statements seem to confuse CEQA law and General Plan law. First, there is no conflict with the General Plan because the City is requiring installation of local improvements to meet the City's LOS minimum standard and the payment of fair share funds that pay for the regional improvements under design by Caltrans. This means that the project is mitigated to the City's standard. This is consistent with what the City has the ability to feasibly do within its jurisdiction. While it is not entirely clear, it seems that the commenter is suggesting that the improvement would need to be installed and LOS would need to be improved to a LOS that meets the City's minimum standard. Such assertions and interpretations are in conflict with State planning law. State planning law gives the local land use authority to the incorporated city. Requiring a state highway system improvement to be installed prior to approval of land use actions would prevent the City from further development in this portion of this City. In effect, this would strip the City of Tulare of its local land use authority and police power, instead giving the authority and police power to the State (Caltrans).

For all intents and purposes, such an interpretation "*of requiring the improvement to be installed*" would be detrimental to the Love's facility, which currently contributes to a level of service deficiency on the SR 99 ramps. Under this interpretation, the City would not be able to issue annual permits to operate the Love's business because it would be in conflict with the General Plan. This logic is not supported by the City. The City does not desire to obstruct businesses that are generally consistent with the General Plan, even if there are interim impacts that occur while the City pursues the installation of infrastructure consistent with the General Plan. Unfortunately, the City does not control all funding, design, and construction of infrastructure in the City (i.e. state highway system), but City staff continues to work and cooperate with Caltrans on behalf of the citizens and business owners in the City.

From a practical standpoint, the City recognizes that growth and development, and infrastructure installation are not always aligned perfectly. The City understands that interchange improvements are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements. The City of Tulare has, and will continue to, work with the Caltrans to improve the transportation system to address system-wide transportation impacts. We note that Caltrans is currently studying and planning for interchange improvements, including a potential new interchange at SR 99 at Paige Avenue. Interchange improvements are a candidate project (included as a Caltrans constrained project) within the Tulare County 2014 RTP. The candidate project would incorporate major interchange improvements, including a widening of the on/off ramp at this intersection. The candidate project is considered a Caltrans/IIP/RTIP Measure R Interchange project. Caltrans is studying several alternatives, which includes

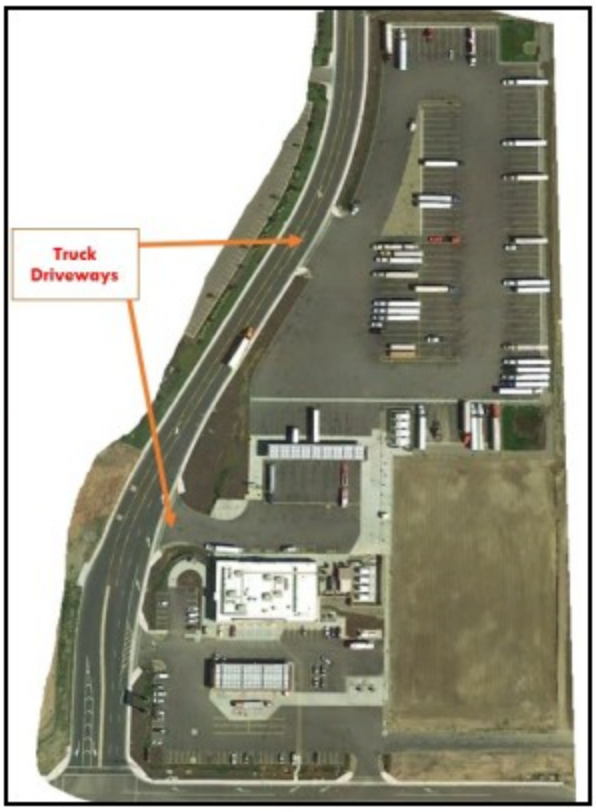
alternative locations for an interchange. Ultimately, Caltrans will make the final determination on the preferred alternative, which is not known at this time.

However, since the interchange and cumulative improvements may not be completed prior to LOS deficiencies, the DEIR text concludes that there is a significant and unavoidable impact. The DEIR also concludes that under the signal alternative, all study intersections would operate at LOS D or better. However, only a portion of the identified improvements are programmed for the near term. Thus, the finding of significant and unavoidable was made, since improvement timing under cumulative conditions is not guaranteed.

Nonetheless, the City is requiring the applicant to pay its fair share of the interchange and cumulative improvements. In effect, there is the potential for an interim impact until such time that the improvements are actually installed. The interim impact is not viewed as an inconsistency with the General Plan, because the City has done everything practicable in its control to analyze and mitigate the impact to meet its standard and the improvement is viewed as imminent with time.

Response A-15: The commenter states that the TIS and the EIR do not adequately analyze transportation and circulation impacts from the Project due to *"(i) the Project trip generation estimate is based on irrelevant data that does not accurately reflect the volume of traffic generated by the Project; (ii) the distribution of trips does not reflect the fact that the Project would allow construction of a truck stop; (iii) the volume of truck traffic is underestimated; and (iv) the LOS analysis does not comply with the Transportation Research Board's Highway Capacity Manual as required by the City's General Plan. As a result of these flaws, the TIS considerably understates on- and off-ramp, intersection, and driveway impacts; and the EIR fails to reveal, and thus does not consider, a number of likely significant impacts from the Project."*

These comments are noted. The proposed project is very unique and actual driveway counts is the most valid way to capture the expected trips to the project. Due to its unique operational characteristics not reflected in any ITE land use categories, and with the approval of Caltrans, Stantec conducted driveway counts at the Pilot Travel Center in Patterson on Thursday, June 29, 2017. Driveway counts were conducted during 7 AM to 9 AM and 4 PM to 6 PM, respectively during the AM and PM peak hours.



The Patterson site was chosen as it has the same land use as the proposed Tulare Flying J which is proposed to include nine (9) diesel, 19 fueling stations and a 2,730-sf Wendy's fast food restaurant. The count was conducted on June 29, 2017 which was more than 6 months since it first opened for business. This is more than adequate time for the business to settle. A review of the recent monthly revenues confirms that the generated traffic on the day of the count was normal.

While total trips at locations where a land use is located could vary, the primary controlling trip generation factor is the independent variable - in this case fuel pumps and the unique Flying J Travel Center development. The controlling factor for the peak hour trip generation rate for the site is primarily dependent on number of fuel pumps and the unique services provided by Flying J Travel Center.

At the Patterson Flying J site where counts were taken, trucks access the site through two separate driveways located to the north of the site. Therefore, there is no confusion as to which were the truck trips that were counted.

Trips generated at the two non-truck driveways were disaggregated for fuel stations and fast-food based on Pilot Flying J Sales Data for each land use at several sites in the Central Valley including Patterson, Madera, Bakersfield and Ripon, CA. It is noted that the AM and PM peak hour rates based on the collected data were higher than the AM and PM hour rates for Land Use 950 Truck Stop, ITE Trip Generation, 10th Edition.

The Project Trip Distribution were based on the Tulare County Association of Governments (TCAG) Travel Demand Model select zone run results, and comments on the freeway truck percentages by Caltrans. The truck distribution percentages are in line with available information.

It should be noted that the freeway truck percentages used in this study are higher than the 50% freeway truck traffic that was used in Tulare Love's Truck Shop TIS (Omni Means, 2007).

The TIS and the EIR contains data that does accurately reflect the volume of traffic generated by the Project, including the distribution of trips, the volume of truck traffic, and the LOS analysis complies with the City's General Plan.

Response A-16: The commenter indicates that the freeway truck and intersection truck percentage assumptions that are not accurate. The commenter states that the *"TIS assumes trucks constitute 20 percent of traffic on the freeway. Just south of the Project site, though, Caltrans data shows significantly higher truck percentages, ranging from 22 percent to 27.61 percent. This difference is important because trucks perform differently than passenger cars-they accelerate and decelerate at much lower rates; they take up more space (length and width) in the lanes; and their turning movements are very different from those of passenger cars. Because the TIS assumes a significantly low truck percentage, the study describes overly optimistic traffic operations."* The commenter also states: *"the TIS assumes, that trucks comprise 14 percent of the traffic on Paige Avenue, but that calculation is based on at least two errors. First, the 14 percent calculation does not include Federal Highway Administration's 'Class 5' heavy vehicles, which are "heavy vehicles" and must be counted as trucks. When 'Class 5' vehicles are included in the count, the percentage of trucks increases from 14 to 17 percent. The TIS analysis also assumes that approaches at the freeway ramps will include 14 percent trucks, but the freeway mainline analysis assumes there will be 20 percent trucks on the freeway."* The commenter concludes that there is no reason to believe that freeway on- and off-ramps would have less truck traffic than the freeway itself.

In the Caltrans 2014 Truck Volumes database (latest available version at the time when the study was conducted), there were two count locations near Paige Avenue Interchange. The location closer to the Paige Avenue Interchange showed 20 percent truck volumes and, therefore, they were selected for the report.

Class 5 has typically been placed with the single-unit trucks because the FHWA's definition of the class indicates that it is primarily intended to contain small urban delivery trucks (such as single unit UPS trucks), rather than extra-large passenger vehicles.

Freeways usually carry a large amount of regional truck trips. Therefore, it is incorrect to assume that many of these regional truck trips would be reflected on all local ramps. Rather the amount of trucks on local streets reflects local land use and traffic demands.

These comments are noted. The freeway truck and intersection truck percentage assumptions that are used in the TIS are accurate. It should be noted that Caltrans, with jurisdiction over the facility, did not disagree or comment on the truck

percentages. No new impacts, or substantial new information has been identified by these comments. No changes to the Draft EIR are required.

Response A-17: The commenter states that the TIS incorrectly assumes that only 69 percent of truck traffic and 50 percent of non-truck traffic at the site will be freeway oriented. The commenter further states: *"But data collected at six existing Love's Travel Stop & Country Store locations indicates that over 87 percent of patrons are freeway travelers. In Tulare, those patrons generally exit the freeway at Paige Avenue, stop at Love's to meet their travel needs, then continue on the freeway in the same direction they were going before they stopped at Love's. Several other nearby traffic impact studies for similar travel centers show that a much higher percentage (as high as 90 percent) of Project-generated traffic is freeway oriented. Because of the understated freeway-oriented traffic, the Project's impacts on freeway on- and off-ramps are also severely understated."* The commenter also states: *"Of specific concern, this incorrect assumption underestimates the potential impacts at the intersection of the SR 99 southbound off-ramp and Blackstone Street, which exhibits operational deficiencies even without the addition of the Project. The left-turn movement from the SR 99 off-ramp onto southbound Blackstone Street is particularly concerning. Even under its faulty analysis, the TIS shows that with the addition of the Project, delay will increase from LOS C to LOS F during the a.m. peak hour and to LOSE during the p.m. peak hour. (Exhibit A, Table 4, p. 10.) Under the cumulative scenario, LOS will degrade to F during both the a.m. and p.m. peak hours. In addition to violating the General Plan, this additional delay will potentially cause traffic to back up onto the SR 99 mainline, causing additional significant impacts. Without an adequate traffic study, it is impossible to understand the true severity of these potentially significant impacts."*

The Project Trip Distribution was based on the Tulare County Association of Governments (TCAG) Travel Demand Model select zone run results, and further adjusted by comments on the freeway truck percentages provided by Caltrans. Also, it is noted that the freeway truck percentages used in this study are higher than the 50% freeway truck traffic that was used in Tulare Love's Truck Shop TIS (Omni Means, 2007). The trip distribution assumptions that are used in the TIS are accurate.

Additionally, with installation of the proposed signal at the SB-Off Ramp as part of the Opening Day improvements (see Attachment A-24 response A-24), the intersection will operate at LOS D or better. As shown in Attachment A-24, the Caltrans approved Opening Day improvements at the SB-Off Ramp includes restriping to lengthen the left and right-turn lanes including restriping to provide two receiving southbound through lanes on Blackstone Street (one through and one shared right and through lane). The overall intersection operations would be improved substantially compared to the existing Stop Control intersection.

Response A-18: The commenter states: *"the City's General Plan requires the City maintain LOS D as defined in the Highway Capacity Manual. The Highway Capacity Manual explains that, with respect to unsignalized (stop-sign controlled) intersections, LOS must be determined for each minor-street movement (as well as major-street left turns), and not defined for the intersection as a whole or for major-street approaches. The TIS, though, incorrectly considers approach delays rather than movement delays to determine LOS at the unsignalized intersections. Griffin Cove applied the appropriate criteria to the data in the TIS, as required by the Highway Capacity Manual and the General Plan, and compared its findings to the conclusions in the TIS based on the incorrect methodology. Because of the application of the incorrect methodology, Griffin Cove determined, the TIS underestimates LOS at certain intersections. For example, the EIR indicates that the intersection of northbound SR 99 and Paige Avenue currently operates at LOS C during peak hours, but the TIS indicates that the critical movement at this intersection operates at LOS D, and the average delay is 12 to 15 seconds per vehicle greater than what is identified in the EIR. Under existing plus Project conditions, the EIR reports that the TIS, incorrectly considers approach delays rather than movement delays to determine LOS at the unsignalized intersections."*

The City does maintain Level of Service (LOS) D as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate. This is the City's General Plan standard, the standard that is used in analyzing traffic conditions, and the standard to which mitigation is developed. The traffic analysis utilized this standard, and mitigation was incorporated whereby the applicant would be required to install improvements to maintain the standard and pay its fair share of regional traffic improvements to maintain this minimum standard. The analysis and mitigation measures from the DEIR are consistent with the General Plan standard. The project is mitigated to this standard.

The Highway Capacity Manual provides procedures for calculating LOS on the minor street approaches and individual movements. It does not specify how a City must utilize that information. The levels of service were reported for the weighted average of delays for all the minor approach movements and the major approach left-turn movements, per the HCM 2010 methodology. This is documented in Chapter 20, Page 20-31 of the Highway Capacity Manual, 6th Edition, which states: "The control delay for all vehicles on a particular approach can be computed as the weighted average of the control delay estimates for each movement on the approach."

Intersection of northbound SR 99 and Paige Avenue: under Existing plus Project scenario with Stop Control, the study correctly reports that the intersection would operate at LOS E and LOS F, respectively during the AM and PM peak hour. The LOS A that the commenter identified as "potential General Plan violation" was reported for

the mitigated signalized condition during the AM peak hour. The intersection operates at LOS B during the PM peak hour for the mitigated scenario.

These comments are noted. No new impacts, or substantial new information has been identified by these comments. No changes to the Draft EIR are required.

Response A-19: The commenter states that the TIS contains a freeway merge/diverge analysis for direct impacts from the Project, but does not include such an analysis for cumulative conditions.

Page 4.0-26 Table 4.0-10 of the DEIR show that compared to the 20-Year Cumulative No Project condition, the northbound freeway segments would deteriorate at an unacceptable LOS E condition to LOS F during the PM peak hour. The merge and divergence of traffic on a freeway facility is a component of the overall operations of the freeway facility. An analysis of the merge/diverge of traffic under the cumulative scenario shows that additional delay due to the proposed project traffic is approximately 1.8 percent and 2.7 percent respectively during the AM and PM peak hour with no change in LOS. Nevertheless, the merge/diverge operations would improve with improvements to the freeway facility, including signalization, optimization, and/or interchange improvements. As stated in DEIR Impact 4.17 cumulatively levels of service on SR-99 Highway Facilities were identified in the DEIR to be a cumulatively considerable and significant and unavoidable. The City is requiring the payment of a fair share fee, for cumulative impacts. Fair share payments are intended to mitigate for a project's cumulative impacts. (See, e.g., CEQA Guidelines,§ 15130, subd. (a)(3).

These comments are noted. No new impacts, or substantial new information has been identified by these comments. No changes to the Draft EIR are required.

Response A-20: The commenter states: *"An EIR is required to consider the cumulative impacts of a project, defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines,§§ 15130, 15355.) "It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, [the EIR] must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them." (Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431.) The cumulative analysis in the TIS and the EIR include a number of flaws that render the analysis inadequate."* The commenter further states: *"The cumulative analysis considers three possible future scenarios: (1) existing traffic control, which includes stop-sign controlled intersections; (2) traffic signal controls at all study intersections and reconfiguration of the SR 99/Paige Avenue interchange; and (3) reconstruction of several study intersections as roundabouts. (Exhibit A at p. 14.) There*

appears to be no funding available for scenarios (2) or (3), which leaves scenario (1) as the only reasonably foreseeable scenario. From what we can tell, the City lacks any substantial evidence to support the optimistic assumption that the future improvements called for in scenarios (2) and (3) will actually be built within a reasonably foreseeable relevant time frame. The TIS and the EIR show that, under scenario (1), all intersections but one will operate at LOS F during a.m. and p.m. peak hours. Essentially, the entire system will break down. The EIR, though, does not disclose that this is the only likely scenario, preferring to hold out hope (though without support) for the notion that Caltrans or other transportation improvement funders will make major investments in the interchange. Nor does the proposed mitigation adequately address the most realistic scenario of complete breakdown."

The Cumulative scenario was conducted with land use included in the Tulare County Association of Governments (TCAG) Travel Demand Model and future roadway network provided by Caltrans. Both land use and roadway assumptions are based on approved sources for EIR analysis. This is standard practice. The cumulative assumptions used in the TIS are accurate.

Response A-21: The commenter states that the Draft EIR shows that (under cumulative conditions) northbound a.m. peak-hour volumes are roughly equal to southbound pm peak-hour volumes, as would be expected. The commenter then states that the analysis shows the northbound p.m. peak-hour volumes are 50 to 70 percent higher than the southbound a.m. peak-hour volumes. The commenter indicates that this result is not logical, nor does it represent a typical directional travel pattern, and therefore it must be reconsidered in a revised and recirculated TIA and Transportation and Circulation chapter.

Working closely with the City of Tulare and Caltrans staff it was agreed to use the cumulative volumes based on the recently completed and approved Final State Route 99/Paige Avenue Traffic Operations Report, which was used in Support of the Intersection Control Evaluation (ICE) Process (Omni Means, 2015). The freeway traffic volumes used in the analysis are based on the report approved by Caltrans.

The cumulative volumes in the report were based on TCAG model with its approved land use and trip assignment methodology. Typically, the predominant peak hour flow of traffic volumes tends to behave as a reverse during peak commute hours. However, there are other factors which could make the traffic flow trends during commute hours not atypical. For example, due to peak spreading during the AM commute peak hour, the expected reverse PM commute peak hour volumes would be expected to be higher than the AM commute peak hour (due to peak spreading).

Caltrans instructed that the future freeway volumes be based on the report Final State Route 99/Paige I/C Traffic Operations Report (Omni Means, 2015) which was approved by the agency.

These comments are noted. No new impacts, or substantial new information has been identified by these comments. No changes to the Draft EIR are required.

Response A-22: The commenter states that Driveway Traffic Volumes are unaccounted for in the p.m. peak hour. According to the Project trip generation estimate, 190 inbound trips were projected but only 173 trips are shown in Figure 5 of the TIS.

As described in the DEIR, Table 3.12-6 "Proposed Project Trip Generation" (pg. 3.12-8 of the DEIR) provides the correct number of trips.

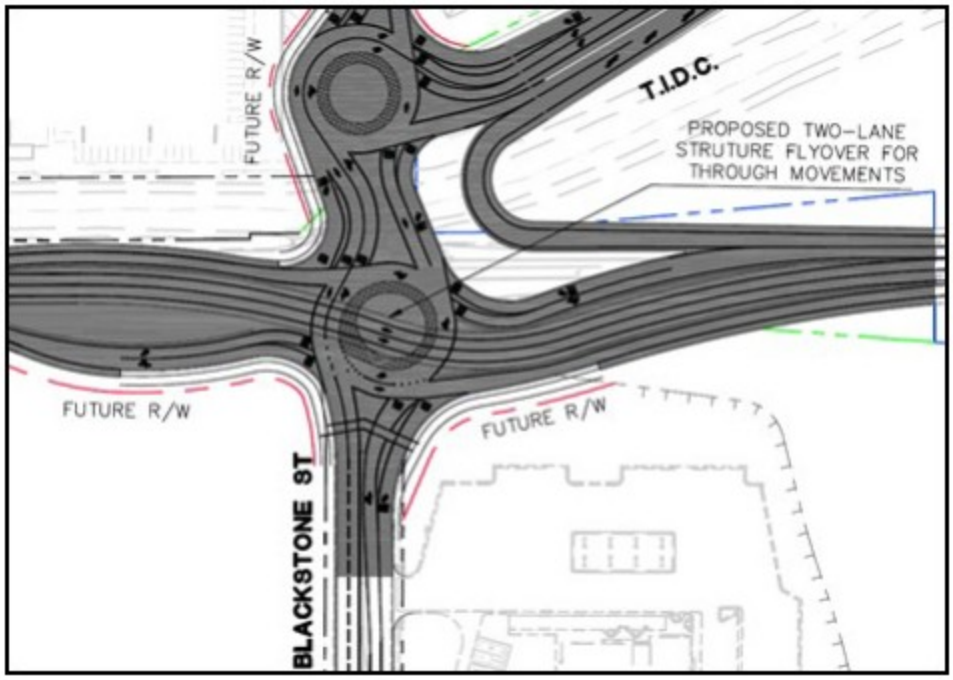
These comments warrant revisions/additions to clarify TIS Figure 5 included in Appendix F of the DEIR. Revisions include an update Figure 5 (pg. 20 of the TIS):

Figure 5 of the TIS has been corrected for this typo.

This revision is included to correct a typographical error and does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text amendment.

Response A-23: The commenter states that the TIS shows that under cumulative scenario 3 (the "roundabout alternative"), the northbound approach at the intersection of Blackstone Street and Paige Avenue would degrade from LOS C to LOS F during the p.m. peak hour. In addition, queueing on Blackstone Street would extend 1,253 feet, which would reach beyond the southern property line of Love's Travel Stop on the east side of the street and would block access to the Love's facility. In addition, the commenter states the TIS and EIR do not include analysis of the effects of the delay and queueing on Blackstone Street on operation of either the Project's or Love's driveways.

Intersection of Blackstone St/Paige Ave



Roundabout delay: The unusually long queuing shown for the northbound approach was an error as queues on other approaches were reasonably acceptable. Note there is a two-lane structure flyover for east-west through movements. An updated roundabout analysis has been completed that showed queuing on the northbound approach to be less than 200 feet as shown in the Attachment A23i, which is significantly lower then what was stated for the queuing.

Intersection of Blackstone Street/Paige Avenue: For the Cumulative plus Project Scenario (Signal Alternative), an outdated calculation sheet that showed LOS E for the intersection of Blackstone Street/Paige Avenue was inadvertently included in Attachment F of the TIS. Intersection volumes were from an outdated alternative with signal timing that was not optimized, which was inadvertently left in the Appendix. Updated information that showed intersection to operate at LOS D is shown in Attachment A23.

These comments warrant revisions/additions to clarify DEIR Appendix F (TIS) Synchro 9 Report worksheet and TIS Table 25..

> Revisions include and updated Blackstone St & Paige Ave 2036 Plus Project PM Peak Hour Signal Synchro 9 Report (DEIR Appendix F, Page 6 of TIS Appendix B) (Attachment A23), and an updated TIS Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative) (TIS pg. 49) (Attachment A23i).

This change does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA

Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text amendment.

Response A-24: The commenter states that the proposed mitigation does not adequately mitigate for significant impacts from the Project (the comment reprints Mitigation Measure 3.12-1 Draft EIR, p. 3.12-16). The commenter indicates that the mitigation measure does not provide performance and timing standards. The commenter also notes that the City's General Plan requires LOS D through Policy TR-P2.3. Additionally, the commenter states that the Southbound intersection is improperly named in the TIS and DEIR.

As stated in DEIR pg. 3.12-15 through 3.12-16 the following intersections would operate at unacceptable LOS under existing Plus Project Conditions: Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Paige Avenue (renamed as Blackstone Street), SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue. Additionally, as stated in DEIR pg. 3.12-15 through 3.12-16 the above four intersections would operate at acceptable LOS if signalized.

The City of Tulare is committed to improving the transportation system to address transportation impacts. Cities may impose conditions on development so long as the conditions are reasonable and there exists a sufficient nexus between the conditions imposed and the projected burden of the proposed development. Further, cities must prove that such conditions have a "rough proportionality" to the development's impact. The City of Tulare standard for traffic impact fees (as required by Dolan v. City of Tigard "rough proportionality") requires developers to pay its fair share of the traffic impacts.

This fair share concept represents a commonly accepted technique for individual development to bear its fair share of impacts. While the applicants can contribute fees, they are generally unable to undertake offsite roadway improvements unilaterally due to cost and property ownership issues. The City has held the Flying J Project to this standard. As stated in DEIR pg. 3.12-16, the project would be required to contribute its fair share of funding towards the construction of improvements, which when completed would reduce impacts to study intersections to acceptable LOS. Without the guarantee of intersection signalization to reduce impacts to LOS to acceptable levels this impact would remain significant as stated in Impact 3.12-1 impact conclusion of Significant and Unavoidable (DEIR pg. 3.12-16).

However, the City recognizes that transportation improvements that are over and above the project's fair share contribution are needed to improve circulation within the project area. Therefore, the City included Mitigation Measure 3.12-1 to identify and fund needed improvements consistent with Municipal Code Chapter 8.56:

(Development Impact Mitigation Fees), and Chapter 8.64 (Oversized Construction Reimbursement). Specific Details related to the required improvements that are above and beyond fair share require the City and Developer to enter into a Development Agreement, which at the time of the preparation of the DEIR was unresolved. The City recognizes needed improvements and has been working with the applicant to incorporate needed circulation improvements.

Opening Day Improvements: The following would be fully improved as Opening Day Improvements: Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/ Blackstone St., SR 99 NB off-ramp/Paige Avenue, and Blackstone Street/Paige Avenue. City staff and project engineers have been working closely with Caltrans and approved conceptual intersection improvement plans are included in the Attachment A24.

With the improvements, all study intersections will operate at LOS D or better.

See Response A-14 for comments related to Tulare General Plan Policy TR-P2.3 consistency findings.

The intersection of SR 99 SB Off-Ramp/Blackstone St. (Intersection 6) was incorrectly named in Mitigation Measure 3.12-1, and portions of DEIR Sections 3.12-1, and 4.0 as "SR 99 SB Off-Ramp/Paige Avenue" but is correctly shown in DEIR Figures.

These comments warrant revisions/additions to clarify and amplify text and Mitigation Measure 3.12-1 presented on DEIR pages ES-20, and 3.12-16 of the DEIR. Revisions from Pages ES-20 and 3.12-16 of the Draft EIR:

> Through intersection improvements at Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/~~Paige~~ Blackstone ~~Avenue~~ Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue, all intersections would operate at acceptable levels. ~~The project would be required to contribute its fair share of funding towards the construction of improvements which would reduce impacts to study intersections. However, the City of Tulare would ultimately be responsible for the collection of fees and construction and implementation of the identified intersection improvements. Once all of the intersection improvements identified in Mitigation Measure 3.12-1 are completed, all intersections would be expected to operate at acceptable LOS. It is noted, however, that the timing of completion of the necessary intersection improvements is not known, and may not occur prior to project-generated traffic impacts. Additionally, full funding of the identified improvements is not currently available. As such, there is no guarantee that the improvements will be implemented in a timely manner.~~
>
> The following mitigation measure would require improvements to ensure acceptable LOS as opening day improvements, and all intersections would operate at acceptable levels. ~~reduce impacts to study intersections to the greatest extent feasibly through the~~

~~payment of fees to fund needed improvements, however, because improvements may not be completed simultaneously with need~~ Therefore, this impact is considered **less than significant** ~~**significant and unavoidable**~~.

Mitigation Measure 3.12-1: ~~Prior to issuance of any permit for construction of Project improvements, the Project proponent and City shall negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction. The Development Agreement will specify which of the required improvements are eligible for reimbursements from the City, as well as the conditions and timing of said reimbursements. The Development Agreement shall provide for reimbursement to the Project proponent for construction of regional improvements that are included in the City's development impact fee program. These improvements would include the following:~~

- ~~Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off ramp/Paige Avenue, SR 99 NB off ramp/Paige Avenue and Blackstone Street/Paige Avenue.~~
- ~~Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off ramp/Paige Avenue, SR 99 NB off ramp/Paige Avenue and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.~~
- ~~Additional roadway widening as determined during project design.~~

Prior to the operational phase, the Project proponent shall enter into a development agreement to ensure the installation of traffic signals and improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue are provided as opening day improvements. All improvements are to be in accordance with the City of Tulare Improvement Standards, and sufficient to reduce LOS at affected intersections to acceptable levels (LOS D or better).

Opening day concepts are provided in Attachment A24. This text change does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text amendment.

Additionally, these comments warrant revisions to clarify intersection naming for the Southbound SR-99 Intersection.

Revisions from DEIR Pages: ES-20 (Updated In Revised Mitigation Measure 3.12-1), 3.12-5 (Revised In Text), 3.12-6 (Revised In Table 3.12-4: Existing Conditions – Intersection Operations), 3.12-14 (Revised In Text), 3.12-15 (Revised In Text), 3.12-16 (Updated In Revised Mitigation Measure 3.12-1), 4.0-19 (Revised In Text).

SR 99 SB off-ramp/ ~~Paige Avenue~~ Blackstone Street

Revisions from DEIR Pages: 3.12-13 (Revised In Table 3.12-7: Existing Plus Project Intersection Conditions), 4.0-18 (Revised In Table 4.0-3: 20-Year Cumulative No Project Intersections Los), 4.0-19 (Revised In Table 4.0-4: 20-Year Cumulative No Project Intersections Los (Signals Alternative)), 4.0-21 (Revised In Table 4.0-5: 20-Year Cumulative No Project Intersections Los (Roundabout Alternative)), 4.0-22 (Revised In Table 4.0-7: 20-Year Cumulative Plus Project Intersections Los (Existing Traffic Control)). 4.0-23 (Revised In Text), 4.0-24 (Revised In Table 4.0-8: 20-Year Cumulative Plus Project Intersections Los (Signals Alternative)), 4.0-26 (Revised In Table 4.0-9: 20-Year Cumulative Plus Project Intersections Los (Roundabout Alternative))

SR 99 SB Off-Ramp/~~Paige Ave.~~ Blackstone Street

This text change does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including these text amendments.

Response A-25: The commenter reprints Mitigation Measure 4.0-1 from pg. 4.0-27 of the DEIR and states that because this mitigation measure does not require a fair share payment, and there is no identified fee program that will mitigate for the Project's impacts, and because Mitigation Measure 4.1-0 only requires monitoring and evaluation of traffic after 10 years and 15 years, concludes that it is a very high likelihood that a traffic signal will be warranted on the Project's opening day; but under Mitigation Measure 4.1-0, the Project applicant could ignore those impacts for the first 10 years.

As stated in Impact 4-17 on pg. 4.0-27 of the DEIR, due to the fact that signalization of all intersections identified under the signalization alternative cannot be guaranteed under the cumulative scenario, impacts related to this topic would be cumulatively considerable and significant and unavoidable. The City identifies that needed improvements may not be completed before the need arises under cumulative scenarios, therefore, the City has committed to a monitoring approach to ensure impacts do not occur, or if they do occur, are remedied through a mitigating response in accordance with an adaptive management strategy.

The City does not currently recommend a traffic signal at the project driveway on Blackstone due to its close proximity to the intersection of Paige/Blackstone. The project driveway volumes were estimated to operate acceptably for more than 10 years. However, as included below in the updated Mitigation Measure 4.0-1, the City will add monitoring starting on the 1st year and every year when the intersection operates at LOS D. If the traffic monitoring showed the driveway intersection operates at worse than LOS D, a median would be added to make the project driveway to be

right-in and right-out only. The new design would provide full access for the Love's Travel driveway.

These comments warrant revisions/additions to clarify and amplify Mitigation Measure 4.0-1 presented on pages ES-24, and 4.0-27 of the DEIR. Revisions from Pages ES-24 and 4.0-27 of the Draft EIR:

> **Mitigation Measure 4.0-1:** The project applicant shall pay its equitable share cost toward all identified ~~intersection~~ improvements ~~consistent with Mitigation Measure 3.12-1~~. Additionally, the City shall monitor and evaluate traffic at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D, to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway. All future improvements shall ensure adequate access to neighboring facilities.

These comments also warrant revisions/additions to reflect in text discussion related the updated Mitigation Measure 4.0-1 language. Revisions from Pages 4.0-24 and 4.0-27 of the Draft EIR:

Revisions from Page 4.0-24:

> Therefore, it is recommended that traffic should be monitored and evaluated at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D. If the results of the traffic monitoring showed that a signal warrant is met at that time, a median would be added and the intersection would be modified into a right-in and right-out only driveway.

Revisions from Page 4.0-27:

> Therefore, it is recommended that traffic should be monitored and evaluated at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D. If signal warrants are met at that time, a median would be added and the intersection would be modified into a right-in and right-out only driveway. It is estimated that project equitable share of traffic is approximately 44 percent at this driveway and the project proponent would contribute an equitable share of all identified improvements.

This text change does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text amendment.

Response A-26: The commenter requests that the City recirculate a revised TIA and Transportation and Circulation chapter before considering taking action to approve the Project, due to significant new information and new substantial impacts identified. The commenter also provides a summary statement to the comment letter stating, the current TIS and the Draft EIR are inadequate under CEQA, and approval of the Project based on the current record would violate the City's General Plan, and urges the City not to approve the Project or to certify the EIR until the serious problems identified above are addressed in a new TIS and Transportation and Circulation chapter and the documents are recirculated for additional public comment. The commenter also request, via Public Resources Code section 21092.2, subdivision (a), and the California Public Records Act (Gov. Code, § 6250 et seq.), that the City provide notice of any documents prepared, or actions to be taken on the Project.

These comments are noted. The City has taken the appropriate steps in preparing an adequate TIS that analyzes the proposed project to the City's standards. The City has also engaged Caltrans and TCAG to ensure that the modeling assumptions were adequate. The City does maintain Level of Service (LOS) D as the minimum desirable service level at which freeways, arterial streets, collector streets and their intersections should operate. This is the City's General Plan standard, the standard that is used in analyzing traffic conditions, and the standard to which mitigation is developed. The traffic analysis utilized this standard, and mitigation was incorporated whereby the applicant would be required to install improvements to maintain the standard and pay its fair share of regional traffic improvements to maintain this minimum standard. The analysis and mitigation measures from the DEIR are consistent with the General Plan standard. The project is mitigated to this standard.

First, there is no conflict with the General Plan because the City is requiring installation of local improvements to meet the City's LOS minimum standard and the payment of fair share funds that pay for cumulative impacts, and the regional improvements under design by Caltrans. This means that the project is mitigating to the City's standard. This is consistent with what the City has the ability to feasibly do within its jurisdiction. As stated earlier, requiring a state highway system improvement to be installed prior to approval of land use actions would prevent the City from further development in this portion of this City. In effect, this would strip the City of Tulare of its local land use authority and police power, instead giving the authority and police power to the State (Caltrans).

For all intents and purposes, such an interpretation "*of requiring the improvement to be installed*" would be detrimental to the Love's facility also, which currently contributes to a level of service deficiency on the SR 99 ramps. Under this interpretation, the City would not be able to issue annual permits to operate the Love's

business because it would be in conflict with the General Plan. This logic is not supported by the City. The City does not desire to obstruct businesses that are generally consistent with the General Plan, even if there are interim impacts that occur while the City pursues the installation of infrastructure consistent with the General Plan. Unfortunately, the City does not control all funding, design, and construction of infrastructure in the City (i.e. state highway system), but City staff continues to work and cooperate with Caltrans on behalf of the citizens and business owners in the City.

From a practical standpoint, the City recognizes that growth and development, and infrastructure installation are not always aligned perfectly. The City understands that interchange improvements are under the jurisdiction of Caltrans who would need to approve the design and construction of improvements. The City of Tulare has, and will continue to, work with the Caltrans to improve the transportation system to address system-wide transportation impacts. We note that Caltrans is currently considering a new interchange on SR 99 at Paige Avenue. Additionally, the Tulare County 2014 RTP includes major interchange improvements, including a widening of the on/off ramp and the bridge structure at this intersection. The candidate project is considered a Caltrans/IIP/RTIP Measure R Interchange project. Caltrans is considering several alternatives, which include alternative locations for an interchange. Ultimately, Caltrans will make the final determination on the preferred alternative, which is not known at this time. Because the interchange improvements are outside the jurisdiction of the City and the timing of all identified improvements is unknown, the DEIR text concludes that there is a significant and unavoidable impact. The City is requiring the applicant to pay its fair share of the cumulative interchange and intersection improvements, but installation of the interchange improvements by the City on its own or the applicant in not possible given that it is under the jurisdiction of Caltrans. In effect, there is the potential for an interim impact until such time that the improvements are actually installed. The interim impact is not viewed as an inconsistency with the General Plan, because the City has done everything practicable in its control to analyze and mitigate the impact to meet its desirable standard and the improvement is viewed as imminent with time. All necessary local improvements required to maintain an acceptable LOS under existing plus project conditions within the City's jurisdiction would be installed as part of this project as opening day improvements, and the project applicant would be required to pay its fair share for cumulative level improvements, meaning all feasible mitigation measures will be implemented.

Attachment A23

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Future Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		0.97	1.00		0.99	1.00		0.99
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652
Adj Flow Rate, veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Adj No. of Lanes	1	4	1	2	3	1	1	1	2	2	1	1
Peak Hour Factor	0.90	0.90	0.90	0.87	0.87	0.87	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	15	15	15	15	15	15	15	15	15	15	15	15
Cap, veh/h	129	1233	299	683	1617	490	124	403	1151	241	403	340
Arrive On Green	0.08	0.22	0.22	0.37	0.60	0.60	0.08	0.24	0.24	0.08	0.24	0.24
Sat Flow, veh/h	1573	5683	1377	3053	4510	1365	1573	1652	2456	3053	1652	1396
Grp Volume(v), veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Grp Sat Flow(s),veh/h/ln	1573	1421	1377	1526	1503	1365	1573	1652	1228	1526	1652	1396
Q Serve(g_s), s	4.9	13.2	4.5	17.0	6.9	6.2	6.0	9.8	14.4	6.0	5.6	4.4
Cycle Q Clear(g_c), s	4.9	13.2	4.5	17.0	6.9	6.2	6.0	9.8	14.4	6.0	5.6	4.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	129	1233	299	683	1617	490	124	403	1151	241	403	340
V/C Ratio(X)	0.81	0.84	0.32	1.19	0.46	0.42	1.05	0.60	0.56	1.27	0.36	0.29
Avail Cap(c_a), veh/h	228	1271	308	683	1617	490	124	403	1151	241	403	340
HCM Platoon Ratio	1.00	1.00	1.00	1.67	1.67	1.67	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.81	0.81	0.81	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.3	28.5	25.1	23.8	11.2	11.0	35.0	25.4	14.6	35.0	23.8	23.4
Incr Delay (d2), s/veh	11.1	5.0	0.6	97.6	0.2	0.5	96.1	6.4	2.0	151.5	2.5	2.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.5	5.6	1.7	16.3	2.8	2.3	5.9	5.2	5.2	7.6	2.8	1.9
LnGrp Delay(d),s/veh	45.4	33.4	25.7	121.4	11.3	11.5	131.4	31.8	16.6	186.5	26.4	25.6
LnGrp LOS	D	C	C	F	B	B	F	C	B	F	C	C
Approach Vol, veh/h		1232			1764			1014			553	
Approach Delay, s/veh		33.8			62.1			35.0			115.1	
Approach LOS		C			E			D			F	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.0	23.5	21.0	21.5	10.0	23.5	10.2	32.3
Change Period (Y+Rc), s	4.0	5.0	4.0	5.0	4.0	5.0	4.0	5.0
Max Green Setting (Gmax), s	6.0	18.0	17.0	17.0	6.0	18.0	11.0	23.0
Max Q Clear Time (g_c+I1), s	8.0	16.4	19.0	15.2	8.0	7.6	6.9	8.9
Green Ext Time (p_c), s	0.0	0.8	0.0	1.2	0.0	0.8	0.1	5.2

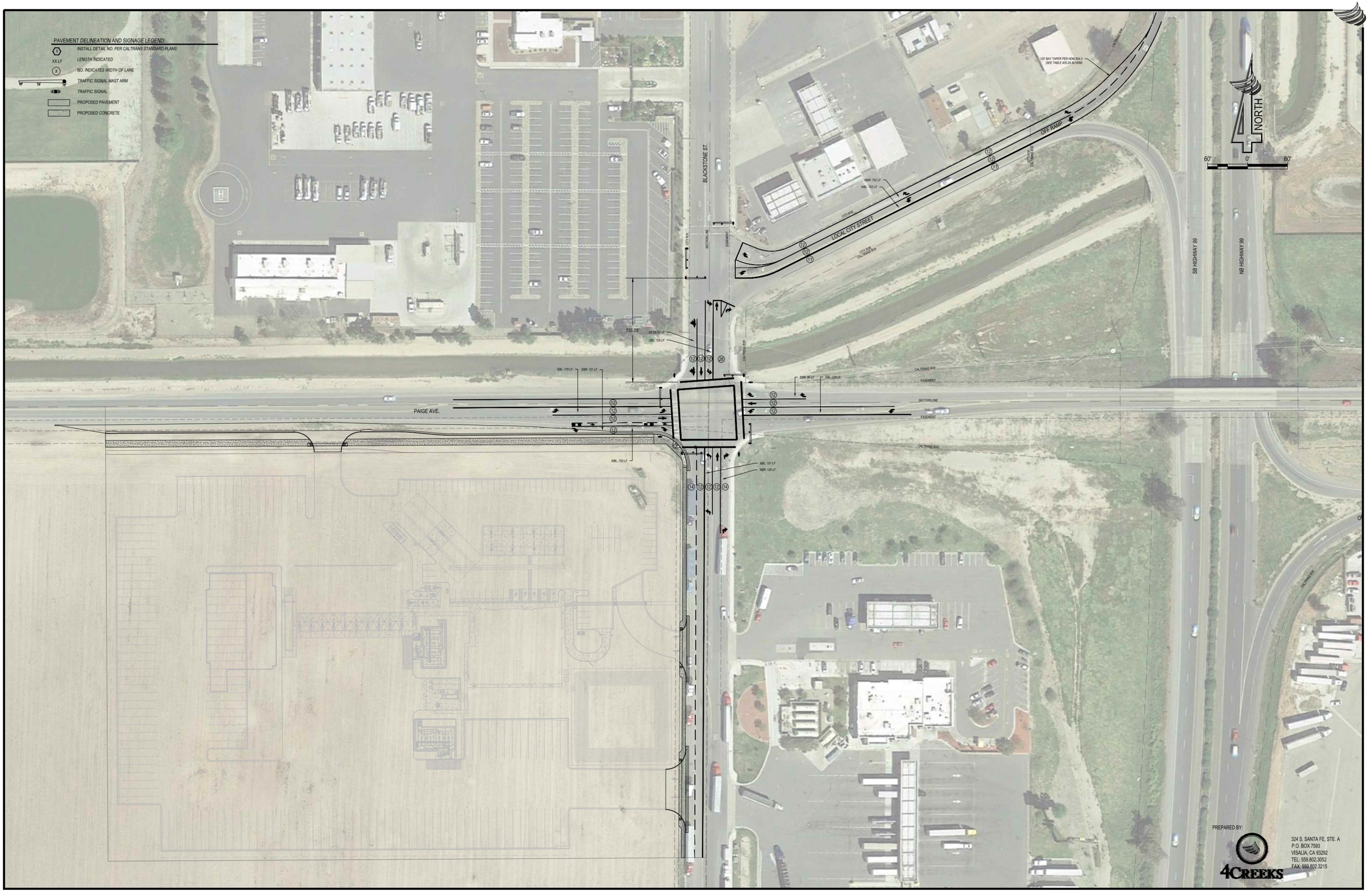
Intersection Summary	
HCM 2010 Ctrl Delay	54.9
HCM 2010 LOS	D

Attachment A23i

Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative)

ID	Intersection	20-Year Cumulative Plus Project Conditions (2040 Geometrics)							
		A.M.				P.M.			
		V/C Ratio	Delay (sec)	LOS	95th Percentile Queue (ft.)	V/C Ratio	Delay (sec)	LOS	95th Percentile Queue (ft.)
3	*Laspina Street/Paige Ave.*	*0.692*	*8.3*	*A*	*177.8*	*0.645*	*9.8*	*A*	*142.3*
	Northbound	0.155	8.2	A	17.0	0.504	11.9	B	73.9
	Westbound	0.692	8.7	A	177.8	0.622	10.7	B	142.3
	Southbound	0.371	10.5	B	60.8	0.331	9.8	A	43.6
	Eastbound	0.399	6.6	A	50.0	0.645	8.0	A	121.4
4	*SR 99 NB Off-Ramp/Paige Ave.*	*0.669*	*9.2*	*A*	*215.1*	*0.779*	*10.2*	*B*	*186.1*
	Northbound	0.521	14.6	B	86.6	0.779	19.3	B	154.8
	Westbound	0.669	9.7	A	215.1	0.503	8.3	A	116.8
	Eastbound	0.515	7.0	A	117.0	0.641	8.4	A	186.1
5	*Blackstone Street/Paige Ave.*	*0.692*	*12.7*	*B*	*238.3*	*0.897*	*17.7*	*B*	*420.4*
	Northbound	0.646	10.8	B	120.9	0.748	9.8	A	176.3
	Westbound	0.692	13.0	B	238.3	0.897	24.0	C	420.4
	Southbound	0.675	12.3	B	215.4	0.753	17.4	B	280.1
	Eastbound	0.559	16.7	B	88.8	0.703	24.9	C	155.7
6	*SR 99 SB Off-Ramp/Paige Ave.*	*0.497*	*10.0*	*B*	*117.2*	*0.475*	*9.4*	*A*	*108.3*
	Northbound	0.429	5.3	A	97.7	0.442	4.8	A	106.0
	Southbound	0.497	14.1	B	117.2	0.475	15.3	B	108.3
	Eastbound	0.465	10.7	B	75.6	0.387	9.2	A	57.6

Attachment A24



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June 18, 2018

6-TUL-99-27.56
2135-IGR/CEQA
DEIR - MAY 2018
PILOT FLYING 'J' TRAVEL CENTER (6)
SCH # 2016021028

Ms. Traci Myers
Deputy Director
City of Tulare - Community Development Dept.
411 E. Kern Avenue
Tulare, CA 93274

Dear Ms. Myers:

Caltrans has completed review of the Draft Environmental Impact Study (DEIR) for the proposed Pilot Flying 'J' Travel Center. The project proposes to develop 13.63 acres of the 36.27-acre parcel with a 14,967 square-foot convenience store & driver's lounge which includes shower facilities, retail space and 2 quick service restaurants with a drive-thru lane, 10 gas pumps (20 dispensers), 9 diesel fueling lanes, 137 truck parking spaces, 93 vehicle parking spaces and a 100-foot tall illuminated sign. The project is located at the southwest corner of Paige Avenue and Blackstone Street, approximately 700 feet west of the State Route (SR) 99 and Paige Avenue interchange.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development -Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. B-1

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted. This assessment should be used to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following: B-2

    a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

b. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers and showers.) However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.

c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

B-2 Con't

2. DEIR Section 3.12.6: Transportation and Circulation - Impacts and Mitigation Measures: Impact 3.12-2, Caltrans *does not concur* with the conclusion that the proposed Project impacts to freeway facilities would be less than significant. As indicated in the Transportation Impact Study (TIS) completed for the DEIR, both SR 99 off-ramps at the Paige Avenue Interchange are currently operating at LOS C during the peak hours. However, with the proposed project they would operate at LOS F and the freeway off-ramps would experience significant delay.

B-3

3. DEIR Section 3.12.6: Transportation and Circulation - Impacts and Mitigation Measures: Impact 3.12-6, Caltrans *does not concur* with the conclusion that the proposed Project impacts to substantially increase hazards due to design features, or limit emergency access would be less than significant. Due to high traffic volumes and the close spacing between the first proposed driveway on Blackstone Avenue and the Paige/Blackstone intersection, Caltrans recommends that an exclusive right-turn lane should be provided for that driveway. Secondly, Caltrans recommends that a raised median should be constructed on Paige Avenue along the project's frontage to ensure only right-in and right-out access for the project driveway on Paige Avenue.

B-4

4. DEIR Section 4.1: Cumulative Setting and Impact Analysis: Impact 4.17 "Under cumulative conditions, project implementation *would* exacerbate levels of service at local intersections or exacerbate cumulatively levels of service on SR-99 Highway Facilities". The DEIR should discuss the financing plan for the equitable share toward improvements identified in the Traffic Impact Study section 9.0 "20-year cumulative plus project conditions".

B-5

5. Caltrans currently has a project that is studying four (4) build alternatives to provide a new SR 99 interchange between Paige Avenue and Avenue 200. One of the alternatives proposes to reconstruct the existing Paige Avenue Interchange. For this alternative, the intersections at Paige/Blackstone & Paige/Laspina will be reconstructed to accommodate additional turn & through lanes on Paige Avenue, Blackstone Street, and Laspina Street. For this alternative, the widening near the Paige/Blackstone intersection will impact the proposed site plan. Blackstone Street will be widened/realigned to accommodate forecasted traffic volume. To accommodate the improvements for the Paige Avenue Interchange Alternative, Caltrans recommends:

B-6

a. A minimum 50' setback distance for any structure from the existing edge of pavement is needed along Paige Avenue.

b. A minimum 20' setback distance for any structure from the existing back of the curb is needed along Blackstone Street.

c. A minimum 45' setback distance for any structure from the existing curb ramp at the southwest corner of the Paige Avenue / Blackstone Street intersection is needed.

B-6 Con't

If you have any other questions, please call me at (559) 488-7396.

Sincerely,

DAVID DEEL
Associate Transportation Planner
Transportation Planning – North

Copy via email: Brandon Parks – Pilot Flying J
Michael Miller – City of Tulare

Response to Comment B: David DeelCalifornia Department of Transportation (Caltrans)

Response B-1: The commenter provides an introduction to the comment letter, stating that the department has had the opportunity to review and comment on the Flying J Travel Center, and further states the departments' missions.

This is an introductory statement and does not require a response.

Response B-2: The commenter encourages alternative transportation policies to be incorporated into the proposed development, and that there should be a multi-modal facilities assessment conducted. The commenter notes that the assessment should include: pedestrian walkways linking to an internal project area, transit facilities, as well as other walkways in the surrounding area. The commenter indicates that the project should consider bicycle as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers, and showers. The commenter states that if transit services are not available within ¼ mile of the site services should be extended to the site as it will be a high activity center.

Mitigation Measure 3.6-1 (included on DEIR pg. 3.6-21, as updated in MMRP page 4.0-8) is presented below:

> **Mitigation Measure 3.6-1:** Ensure that the pedestrian network within the proposed Project site connects to offsite pedestrian networks, in order to make pedestrian circulation viable within, to, and from the project site and reduce the need to travel by vehicle, helping to reduce emissions and GHG. Project frontage improvements shall be included to ensure the Project is consistent with citywide street design standards and planned nearby circulation improvements. This mitigation shall occur during Project construction activities.

This measure ensures that the pedestrian network within the Project site connects to offsite pedestrian networks. It also requires project frontage improvements to be included to ensure the Project is consistent with citywide street design standards and planned nearby circulation improvements. Currently the existing street network in the project area has pedestrian network gaps, and through implementation of the proposed Project, street frontage improvements that provide pedestrian amenities would be installed.

Transit services are available within close proximity to the Project site; however, these facilities are at a distance greater than ¼ mile (approximately 0.4 miles west of the Project site). Due to the nature of the proposed Project it is not anticipated that this project type would be a high activity center, except for highway travelers. Highway travelers are anticipated to utilize the services as a rest stop along their travel path, not a destination. The City has determined that a transit stop serving the project site would not be warranted or desired at this time.

The proposed project does include showers and changing facilities. It is noted that any employees that travel to work via bicycle or pedestrian will have access to such facilities. The shower and changing facilities are a core part of the project description.

No changes to the Draft EIR text are warranted by this comment.

Response B-3: The commenter refers to the Transportation Impact Study (TIS) completed for the DEIR, and states that both SR 99 off-ramps at the Paige Avenue Interchange are currently operating at LOS C during the peak hours. The commenter then notes that the proposed project would cause them to operate at LOS F and the freeway off-ramps would experience significant delay. The commenter states that they do not concur with the conclusion that the impact would be less than significant under Impact 3.12-2.

This comment warrants some clarification in the DEIR text. The intent of the DEIR analysis was to divide freeway intersection and segment analysis into two different impact topics. The DEIR Impact 3.12-2 (pg.3.12-17), describes that under Existing conditions all freeway study segments operate at an acceptable LOS D or better during both the AM and PM peak hour. Furthermore, under Existing Plus Project, Existing plus Approved Projects, and Existing plus Approved Projects plus Project Freeway Segment LOS conditions, all freeway merging and diverging would operate at an acceptable LOS D or better during both the AM and PM peak periods.

Intersection operations, including freeway ramp intersections are identified and disclosed under Impact 3.12-1 (DEIR pg. 3.12-15 through 3.12-16). As stated in Impact 3.12-1, both of the SR 99 unsignalized off-ramps would operate at unacceptable LOS during the peak hours. The DEIR notes that these intersections would operate at LOS B or better if it were signalized. The conclusion under 3.12-1 is aligned with the commenter's comment that the impacts to the SR 99 ramp intersections is significant and in need of mitigation. Mitigation Measure 3.12-1 (as shown in the MMRP FEIR Page 4.0-13) addresses the impact as follows:

> **Mitigation Measure 3.12-1:** ~~Prior to issuance of any permit for construction of Project improvements, the Project proponent and City shall negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction. The Development Agreement will specify which of the required improvements are eligible for reimbursements from the City, as well as the conditions and timing of said reimbursements. The Development Agreement shall provide for reimbursement to the Project proponent for construction of regional improvements that are included in the City's development impact fee program. These improvements would include the following:~~
>
> - ~~Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue.~~

- ~~Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off ramp/Paige Avenue, SR 99 NB off ramp/Paige Avenue and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.~~

- ~~Additional roadway widening as determined during project design.~~

Prior to the operational phase, the Project proponent shall enter into a development agreement to ensure the installation of traffic signals and improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue are provided as opening day improvements. All improvements are to be in accordance with the City of Tulare Improvement Standards, and sufficient to reduce LOS at affected intersections to acceptable levels (LOS D or better).

This comment warrants some clarifying text changes to Impact 3.12-2 to reflect that the impact discussion refers only to freeway segments. The following changes were made to pages 3.12-17 of Chapter 3.12 of the Draft EIR:

Impact 3.12-2: The proposed Project would not result in a significant impact to freeway facilities (less than significant)

As described in the Transportation Impact Study Prepared for the proposed Project (Appendix F), under Existing conditions all freeway study segments operate at an acceptable LOS D or better during both the AM and PM peak hour. Furthermore, under Existing Plus Project, Existing plus Approved Projects, and Existing plus Approved Projects plus Project Freeway Segment LOS conditions, all freeway merging and diverging would operate at an acceptable LOS D or better during both the AM and PM peak periods. Accordingly, proposed Project impacts to freeway facilities would be ***less than significant***. (Note: Intersections are discussed under 3.12-1 above, including the SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue.)

None of the revisions identify new significant environmental impacts, nor do any of the revisions result in substantive changes to the Draft EIR. The new information to the Draft EIR is intended to merely clarify the analysis, which lead to the same conclusions that were already provided in the Draft EIR.

Response B-4: The commenter states that Caltrans does not concur with the conclusion that the proposed Project impacts to substantially increase hazards due to design features, or limit emergency access would be less than significant. The commenter states that due to high traffic volumes and the close spacing between the first proposed driveway on Blackstone Avenue and the Paige/Blackstone intersection, Caltrans recommends that an exclusive right-turn lane should be provided for that driveway. The commenter then recommends that a raised median should be constructed on Paige Avenue along the project's frontage to ensure only right-in and right-out access for the project driveway on Paige A venue.

The proposed 16-station fuel pumps are located in the middle of the project site. Driveway access to the fuel pump stations is provided on E. Paige Avenue and Blackstone Avenue. The proposed fueling stations are located some distance from Blackstone Avenue and Paige Avenue and would not cause any queuing to overflow onto those streets.

Access driveways are located on E. Paige Avenue and Blackstone Avenue. The driveway on E. Paige Avenue is a right-in and right-out only access while the two driveways on Blackstone Avenue are full access. Stantec conducted a truck turning analysis using Autoturns. Using one of the largest truck templates (WB 50 which is approximately 52-feet long), the truck turning path indicated that trucks would be able to maneuver in and out of both proposed driveways on E. Paige Avenue and Blackstone Street. Details of truck turning analysis using Autoturns are contained in TIS Appendix C.

The first proposed driveway on Blackstone Avenue is approximately 310 feet south of the intersection. The driveway is proposed to be aligned with the existing driveway to the east of Blackstone Avenue that leads into the Existing McDonald's Restaurant and Love's Truck Stop.

The proposed second driveway on Blackstone Avenue is approximately 200 feet south of the first driveway. It is also aligned with the existing driveway on the east side. This would primarily be accessible by trucks. Level of Service analysis showed the intersection is estimated to operate at LOS B or better as shown in Exhibit III. Detailed driveway level of service worksheets are provided in TIS Appendix C.

Currently adjacent to the project site on Blackstone Avenue there is only one lane in the southbound direction. On Opening Day, two lanes would be provided under the proposed lane geometry. The additional lane would serve traffic turning into the site without impeding through traffic under new proposed two-lane geometry (see Response A, Attachment A24).

The City of Tulare has adopted Design Guidelines and Public Improvement Standards (Resolution No. 16-58, November 15, 2016) which includes 2000 - Parking and Driveway, and 7000 - Streets & Traffic standards. The City of Tulare will consider these comments during final review and approval, and will continue to work with the California Department of Transportation to improve the transportation system to address transportation impacts, and no changes to the Draft EIR text are required.

Response B-5: The commenter refers to DEIR Section 4.0 Impact 4.17 "Under cumulative conditions, which indicates that the project implementation would exacerbate levels of service at local intersections or exacerbate cumulative levels of service on SR-99 Highway Facilities." The commenter notes that the DEIR should discuss the financing plan for the equitable share toward improvements identified in the Traffic Impact Study (Appendix F).

As Stated in the DEIR impact 4.17, under 20-Year Cumulative plus Project Conditions all study intersections would operate at LOS F under existing intersection control configurations. Under the signal alternative, all study intersections would operate at LOS D or better. With construction of all proposed signalization improvements, this would be a less than significant and less than cumulatively considerable impact.

Page 4.17-26 through -27 (as updated in FEIR Errata) addresses the project's equitable fair share when it states the following:

> *Under 20-Year Cumulative plus Project Conditions all study intersections would operate at LOS F under existing intersection control configurations. Under the signal alternative, all study intersections would operate at LOS D or better. With construction of all proposed signalization improvements, this would be a less than significant and less than cumulatively considerable impact. However, only a portion of the identified signal improvements are programmed for the near term. The estimated total cost of improvements for all intersections is between $49.8 M and $52.3 M. The estimated project equitable share contributions to the seven study intersections range from three to 23 percent.*
>
> *Additionally, a signal may be required at the first driveway in order for it to operate at LOS B or better. However, given that the driveway operational analysis is based on a future 20-year estimate of traffic conditions, it is possible that actual future traffic volumes could vary substantially, depending on the adopted future "South Tulare" PAED alternative as well as choice of driveways by drivers. Therefore, it is recommended that traffic should be monitored and evaluated at the first-year, 5-year, 10-year and 15-year time period, and every year when the intersection operates at LOS D. If signal warrants are met at that time, a median would be added and the intersection would be modified into a right-in and right-out only driveway. It is estimated that project equitable share of traffic is approximately 44 percent at this driveway and the project proponent would contribute an equitable share of all identified improvements.*

Mitigation Measure 4.0-1 addresses the need for the applicant to pay an equitable fair share as follows:

> **Mitigation Measure 4.0-1:** The project applicant shall pay its equitable share cost toward all identified ~~intersection~~ improvements ~~consistent with Mitigation Measure 3.12-1~~. Additionally, the City shall monitor and evaluate traffic at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D, to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway. All future improvements shall ensure adequate access to neighboring facilities.

It is noted that Mitigation Measure 4.0-1 addresses the need for the applicant to pay an equitable fair share toward all identified intersection improvements. It is anticipated that improvements will be funded, in part, through the City's Development Impact Fee (DIF) program. In accordance with City Ordinances and the DIF Program, fees are collected from developments City-wide and are maintained within individually ear-marked funds ("Improvement Fund" and through other funding mechanisms for regional improvements including the Tulare County Association of Governments (TCAG) on Measure "R" Funds.

All impacts to study intersections and needed improvements under cumulative conditions had been identified and disclosed in the DEIR. No changes to the Draft EIR text are required. The City of Tulare will consider these comments during final review and approval, and will continue to work with the California Department of Transportation, and other regional transportation agencies to improve the transportation system to address transportation impacts.

Response B-6: The commenter notes that Caltrans is currently studying four (4) build alternatives to provide a new SR 99 interchange between Paige Avenue and Avenue 200. One of the alternatives proposes to reconstruct the existing Paige Avenue Interchange. To accomplish this the department recommends the following setbacks:

- A minimum 50' setback distance for any structure from the existing edge of pavement is needed along Paige Avenue.
- A minimum 20' setback distance for any structure from the existing back of the curb is needed along Blackstone Street.
- A minimum 45' setback distance for any structure from the existing curb ramp at the southwest corner of Paige Avenue/Blackstone Street intersection is needed.

The City of Tulare and 4-Creeks Engineering have reviewed the Project Site Plan per Caltrans recommendations, and determined that the proposed Project is exceeding the identified setback requirements provided by Caltrans. For instance, there is 171.83 feet to nearest structure along Blackstone Street, and 112.34 feet to nearest structure along Paige Avenue. These setbacks sufficiently meet the Caltrans recommendations for minimum setbacks.

The City of Tulare appreciates these comments and will continue to work with the California Department of Transportation to improve the transportation system to address transportation impacts, and no changes to the Draft EIR text are required.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

June 13, 2018

Traci Myers
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

Project: Tulare Pilot Flying J Travel Center

District CEQA Reference No: 20180491

Dear Ms. Myers:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the DEIR for the Tulare Pilot Flying J Travel Center project, located at the southwest corner of South Blackstone Street and East Paige Avenue in Tulare, CA., which includes the development of approximately 13.63 acres for regional travel serving uses, such as fueling facilities, parking facilities for commercial truck operators, drive-thru and other quick service turnaround restaurants, drivers lounge, and retail space and offers the following comments: C-1

Voluntary Emissions Reduction Agreement

1. As presented in the EIR, after implementation of all feasible mitigation, the Tulare Pilot Flying J Travel Center project would have a significant and unavoidable impact on air quality and will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA).

   As discussed below, the District recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels. C-2

   A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs). The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant. C-2 Con't

To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

District Rules and Regulations

2. Based on the information provided, the project will exceed 2,000 square-feet commercial space and receive a discretionary approval; therefore, the proposed project is subject to District Rule 9510 (Indirect Source Review).

   Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. The District recommends that the applicant submit an AIA application at this time. C-3

3. The project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). C-4

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

C-4 Con't

If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet
Director of Permit Services

Brian Clements
Program Manager

AM: cc

Response to Comment C: Arnaud Marjollet San Joaquin County Air Pollution Control District (SJVAPCD)

Response C-1: The commenter indicates that the SJVAPCD has reviewed the application for the Flying J Project.

This comment serves as an introduction to the comment letter and does not warrant a response. This comment is noted. No further response is necessary.

Response C-2: The commenter suggests including a discussion on the feasibility of entering into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The City has discussed a VERA with District staff, and recognizes that a VERA is a "Voluntary" program that can reduce emissions to a net zero level, or to levels below the SJVAPCD's regulatory requirements/thresholds. The City has not adopted a policy that mandates projects reduce air emissions to net zero or to levels below the SJVAPCD's regulatory requirements/thresholds. The SJVAPCD has established "thresholds" that are not net zero. Rule 9510 is a regulation that is imposed by the SJVAPCD to collect fees for emissions that exceed the threshold of significance established by the SJVAPCD. The proposed Project is subject to the SJVAPCD Rule 9510 (Indirect Source Review [ISR] rule), which could result in substantial mitigation of emissions beyond what is reflected in the modeling outputs. The reductions are accomplished by the incorporation of measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments. The current fees are $9,350 per ton of NO_X, although these are subject to adjustments by the SJVAPCD. The actual calculations will be accomplished by the SJVAPCD and Project applicants through the regulatory permitting process as the Project (i.e. or portions of the Project) are brought forward for approval under Rule 9510. The Project applicant would be required to pay the ISR fee to the SJVAPCD at that time. Ultimately, the SJVAPCD utilizes the fees to fund projects that reduce emissions to at, or below, the thresholds of significance established by the SJVAPCD. Therefore, through payment of the ISR fee, the Project would have a mitigation offset for the Project's emissions that would correspond to the applicable threshold levels. This is a regulatory requirement and serves as defacto mitigation for the proposed project, and all projects within the SJVAPCD's boundary. There are no warrants to impose a mitigation measure that is greater than what is mandated by local policy, Air District regulations, state regulations, or federal regulations.

Response C-3: The commenter recommends that an Air Impact Assessment (AIA) application be submitted for the Project at this time, as required under District Rule 9510. The

commenter describes District Rule 9510, which is designed to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The commenter describes that the proposed Project is subject to Rule 9510, which requires that an AIA application be submitted at this time.

Submittal of an AIA application to the SJVAPCD is required by Mitigation Measure 3.2-1 in Chapter 3.2 of the Draft EIR. The Project must demonstrate compliance with District Rule 9510, including payment of all applicable fees. This comment is noted and no further response is required.

Response C-4: The commenter states that the proposed Project may also be subject to other District rules and regulations. The commenter provides several examples, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Additionally, the commenter notes that, in the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

This comment is noted. Various District rules are listed within the Regulatory Setting section of Chapter 3.2, Air Quality, of the Draft EIR, including those noted by the commenter. See pages 3.2-13 and 3.2-15 of the Draft EIR. The Project would be required to comply with all applicable District regulations. No further response is necessary.

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Revisions made to the Draft EIR are identified below. None of the revisions identify new significant environmental impacts, nor do any of the revisions result in substantive changes to the Draft EIR. The new information to the EIR is intended correct, clarify, amplify, and makes minor modifications.

REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

The Executive Summary was revised to reflect changes within Table ES-2, all of which are incorporated into the EIR. The revisions are intended to correct, clarify, amplify, and makes insignificant modifications, all of which are incorporated into the EIR. The changes to the EIR occur in the Executive Summary on Page ES 13, ES-20, and ES 24 of the Draft EIR. The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
Impact 3.6-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	PS	**Mitigation Measure 3.6-1:** Ensure that the pedestrian network within the proposed Project site connects to offsite pedestrian networks, in order to make pedestrian circulation viable within, to, and from the project site and reduce the need to travel by vehicle, helping to reduce emissions and GHG. Project frontage improvements shall be included to ensure the Project is consistent with citywide street design standards and planned nearby circulation improvements. This mitigation shall occur during Project construction activities.	SU
Impact 3.12-1: The proposed Project would not cause significant impacts at intersections.	PS	**Mitigation Measure 3.12-1:** ~~Prior to issuance of any permit for construction of Project improvements, the Project proponent and City shall negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction. The Development Agreement will specify which of the required improvements are eligible for reimbursements from the City, as well as the conditions and timing of said reimbursements. The Development Agreement shall provide for reimbursement to the Project proponent for construction of regional improvements that are included in the City's development impact fee program. These improvements would include the following:~~ • ~~Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-~~	~~SU~~ LS

ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
		~~ramp/Paige Avenue, SR 99 NB off ramp/Paige Avenue and Blackstone Street/Paige Avenue.~~ • ~~Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.~~ • ~~Additional roadway widening as determined during project design.~~ Prior to the operational phase, the Project proponent shall enter into a development agreement to ensure the installation of a traffic signals and improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue are provided as opening day improvements. All improvements are to be in accordance with the City of Tulare Improvement Standards, and sufficient to reduce LOS at affected intersections to acceptable levels (LOS D or better).	
Impact 4.17: Under cumulative conditions, project implementation would exacerbate levels of service at local intersections or exacerbate cumulatively levels of service on SR-99 Highway Facilities	PS	**Mitigation Measure 4.0-1:** The project applicant shall pay its equitable share cost toward all identified ~~intersection~~ improvements ~~consistent with Mitigation Measure 3.12-1~~. Additionally, the City shall monitor and evaluate traffic at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D, to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway. All future improvements shall ensure adequate access to neighboring facilities.	CC/SU

SECTION 3.6 GREENHOUSE GASES AND CLIMATE CHANGE

Mitigation Measure 3.6.1 was revised to clarify and amplify the Mitigation Measure presented on DEIR 3.6-21 of the DEIR.

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-16 of the Draft EIR:

Mitigation Measure 3.6-1:Ensure that the pedestrian network within the proposed Project site connects to offsite pedestrian networks, in order to make pedestrian circulation viable within, to, and from the project site and reduce the need to travel by vehicle, helping to reduce emissions and GHG. Project frontage improvements shall be included to ensure the Project is consistent with citywide street design standards and planned nearby circulation improvements. This mitigation shall occur during Project construction activities.

SECTION 3.12 TRANSPORTATION AND CIRCULATION

Mitigation Measure 3.12.1 was revised to clarify and amplify the Mitigation Measure presented on DEIR 3.12-16 of the DEIR.

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-16 of the Draft EIR:

Mitigation Measure 3.12-1: ~~Prior to issuance of any permit for construction of Project improvements, the Project proponent and City shall negotiate in good faith and enter into a Development Agreement identifying required opening day improvements and the timing of their construction. The Development Agreement will specify which of the required improvements are eligible for reimbursements from the City, as well as the conditions and timing of said reimbursements. The Development Agreement shall provide for reimbursement to the Project proponent for construction of regional improvements that are included in the City's development impact fee program. These improvements would include the following:~~

- ~~Installation of interconnected traffic signals at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue.~~
- ~~Construction of intersection improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB off-ramp/Paige Avenue, SR 99 NB off-ramp/Paige Avenue and Blackstone Street/Paige Avenue to provide required lane geometry and ramped curb returns.~~
- ~~Additional roadway widening as determined during project design.~~

Prior to the operational phase, the Project proponent shall enter into a development agreement to ensure the installation of traffic signals and improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue are provided as opening

day improvements. All improvements are to be in accordance with the City of Tulare Improvement Standards, and sufficient to reduce LOS at affected intersections to acceptable levels (LOS D or better).

Revisions/additions to clarify text associated with the updated Mitigation Measure 3.12-1. Updates presented on DEIR page 3.12-16.

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from and 3.12-16 of the Draft EIR:

Through intersection improvements at Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/~~Paige~~ Blackstone ~~Avenue~~ Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue, all intersections would operate at acceptable levels. ~~The project would be required to contribute its fair share of funding towards the construction of improvements which would reduce impacts to study intersections. However, the City of Tulare would ultimately be responsible for the collection of fees and construction and implementation of the identified intersection improvements. Once all of the intersection improvements identified in Mitigation Measure 3.12-1 are completed, all intersections would be expected to operate at acceptable LOS. It is noted, however, that the timing of completion of the necessary intersection improvements is not known, and may not occur prior to project generated traffic impacts. Additionally, full funding of the identified improvements is not currently available. As such, there is no guarantee that the improvements will be implemented in a timely manner.~~

The following mitigation measure would require improvements to ensure acceptable LOS as opening day improvements, and all intersections would operate at acceptable levels. ~~reduce impacts to study intersections to the greatest extent feasibly through the payment of fees to fund needed improvements, however, because improvements may not be completed simultaneously with need~~ Therefore, this impact is considered **less than significant** ~~**significant and unavoidable**~~.

Additionally, revisions to clarify intersection naming for the Southbound SR-99 Intersection was needed to clarify and correct the proper intersection name. Revisions from DEIR Pages: 3.12-5 (Revised In Text), 3.12-6 (Revised In Table 3.12-4: Existing Conditions – Intersection Operations), 3.12-14 (Revised In Text), 3.12-15 (Revised In Text), and 3.12-16 (Updated In Revised Mitigation Measure 3.12-1).

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-16 of the Draft EIR:

SR 99 SB off-ramp/ ~~Paige Avenue~~ Blackstone Street

Revisions from DEIR Pages: 3.12-13 (Revised In Table 3.12-7: Existing Plus Project Intersection Conditions)

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-16 of the Draft EIR:

SR 99 SB Off-Ramp/~~Paige Ave.~~ Blackstone Street

Clarifying text changes to Impact 3.12-2 to reflect that the impact discussion refers only to freeway segments.

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-17 of Chapter 3.12 of the Draft EIR:

Impact 3.12-2: The proposed Project would not result in a significant impact to freeway facilities (less than significant)

As described in the Transportation Impact Study Prepared for the proposed Project (Appendix F), under Existing conditions all freeway study segments operate at an acceptable LOS D or better during both the AM and PM peak hour. Furthermore, under Existing Plus Project, Existing plus Approved Projects, and Existing plus Approved Projects plus Project Freeway Segment LOS conditions, all freeway merging and diverging would operate at an acceptable LOS D or better during both the AM and PM peak periods. Accordingly, proposed Project impacts to freeway facilities would be ***less than significant***. (Note: Intersections are discussed under 3.12-1 above, including the SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue.)

SECTION 4.0 OTHER CEQA-REQUIRED TOPICS

Mitigation Measure 4.0.1 was revised to clarify and amplify the Mitigation Measure presented on DEIR 4.0-27 under Impact 4.17 of the DEIR.

The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text). Revisions from pg. 3.12-16 of the Draft EIR:

Mitigation Measure 4.0-1: The project applicant shall pay its equitable share cost toward all identified ~~intersection~~ improvements ~~consistent with Mitigation Measure 3.12-1~~. Additionally, the City shall monitor and evaluate traffic at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D, to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway. All future improvements shall ensure adequate access to neighboring facilities.

Revisions from Page 4.0-24 from updated Mitigation Measure 4.0-1 (In Text):

Therefore, it is recommended that traffic should be monitored and evaluated at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D. If the results of the traffic monitoring showed that a signal warrant is met at that time, a median would be added and the intersection would be modified into a right-in and right-out only driveway.

Revisions from Page 4.0-27 from updated Mitigation Measure 4.0-1 (in Text):

Therefore, it is recommended that traffic should be monitored and evaluated at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D. If signal warrants are met at that time, a median would be added and the intersection would be modified into a right-in and right-out only driveway. It is estimated that project equitable share of traffic is approximately 44 percent at this driveway and the project proponent would contribute an equitable share of all identified improvements.

Additionally, revisions to clarify intersection naming for the Southbound SR-99 Intersection was needed to clarify and correct the proper intersection name.

Revisions from DEIR Page 4.0-19 (Revised In Text)

SR 99 SB off-ramp/ ~~Paige Avenue~~ Blackstone Street

Revisions from DEIR Pages: 4.0-18 (Revised In Table 4.0-3: 20-Year Cumulative No Project Intersections Los), 4.0-19 (Revised In Table 4.0-4: 20-Year Cumulative No Project Intersections Los (Signals Alternative)), 4.0-21 (Revised In Table 4.0-5: 20-Year Cumulative No Project Intersections Los (Roundabout Alternative)), 4.0-22 (Revised In Table 4.0-7: 20-Year Cumulative Plus Project Intersections Los (Existing Traffic Control)). 4.0-23 (Revised In Text), 4.0-24 (Revised In Table 4.0-8: 20-Year Cumulative Plus Project Intersections Los (Signals Alternative)), 4.0-26 (Revised In Table 4.0-9: 20-Year Cumulative Plus Project Intersections Los (Roundabout Alternative))

SR 99 SB Off-Ramp/~~Paige Ave.~~ Blackstone Street

SECTION VOLUME II: APPENDICES

Appendix F of the DEIR (TIS) was revised to clarify a typographical error on TIS Figure 5 included in Appendix F of the DEIR. Revisions include an update Figure 5 (pg. 20 of the TIS):

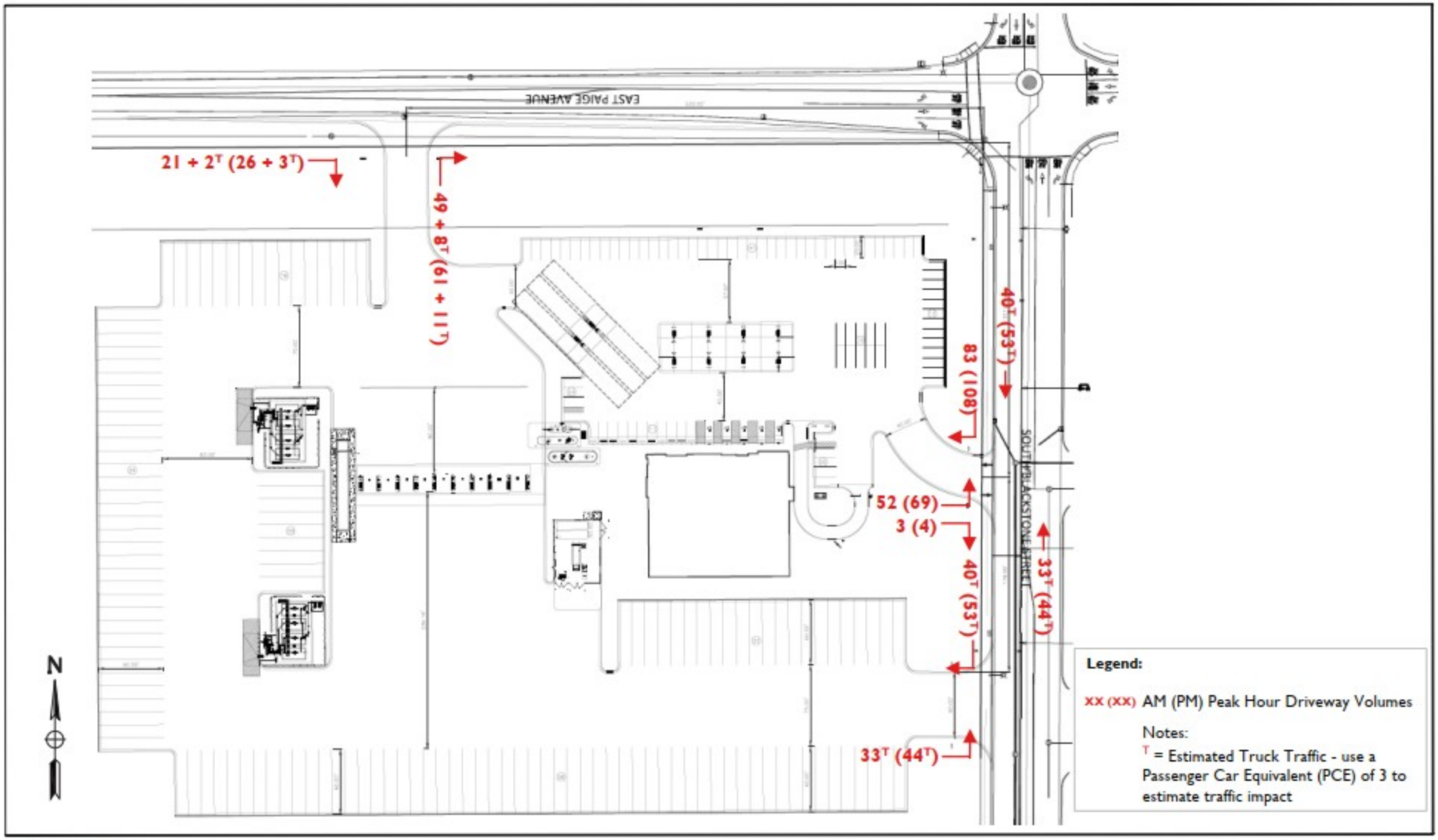
Revisions from Appendix F of the DEIR Figure 5 (pg. 20 of the TIS):

Figure 5 of the TIS has been replaced with the following updated Figure 5:

Traffic Impact Study for Proposed Pilot Travel Center in Tulare, CA

Figure 5

Project Driveway Peak Hour Trips



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Appendix F of the DEIR (TIS Appendix B) was revised to clarify an error in the Blackstone St & Paige Ave 2036 Plus Project PM Peak Hour Signal Synchro 9 Report (DEIR Appendix F, Page 6 of TIS Appendix B)

Revisions include an updated Blackstone St & Paige Ave 2036 Plus Project PM Peak Hour Signal Synchro 9 Report (DEIR Appendix F, Page 6 of TIS Appendix B):

Blackstone St & Paige Ave 2036 Plus Project PM Peak Hour Signal Synchro 9 Report of the TIS has been replaced with the following updated Synchro 9 Report:

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Future Volume (veh/h)	94	929	86	707	646	181	118	216	579	276	131	90
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		0.97	1.00		0.99	1.00		0.99
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652	1652
Adj Flow Rate, veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Adj No. of Lanes	1	4	1	2	3	1	1	1	2	2	1	1
Peak Hour Factor	0.90	0.90	0.90	0.87	0.87	0.87	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	15	15	15	15	15	15	15	15	15	15	15	15
Cap, veh/h	129	1233	299	683	1617	490	124	403	1151	241	403	340
Arrive On Green	0.08	0.22	0.22	0.37	0.60	0.60	0.08	0.24	0.24	0.08	0.24	0.24
Sat Flow, veh/h	1573	5683	1377	3053	4510	1365	1573	1652	2456	3053	1652	1396
Grp Volume(v), veh/h	104	1032	96	813	743	208	131	240	643	307	146	100
Grp Sat Flow(s),veh/h/ln	1573	1421	1377	1526	1503	1365	1573	1652	1228	1526	1652	1396
Q Serve(g_s), s	4.9	13.2	4.5	17.0	6.9	6.2	6.0	9.8	14.4	6.0	5.6	4.4
Cycle Q Clear(g_c), s	4.9	13.2	4.5	17.0	6.9	6.2	6.0	9.8	14.4	6.0	5.6	4.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	129	1233	299	683	1617	490	124	403	1151	241	403	340
V/C Ratio(X)	0.81	0.84	0.32	1.19	0.46	0.42	1.05	0.60	0.56	1.27	0.36	0.29
Avail Cap(c_a), veh/h	228	1271	308	683	1617	490	124	403	1151	241	403	340
HCM Platoon Ratio	1.00	1.00	1.00	1.67	1.67	1.67	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.81	0.81	0.81	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.3	28.5	25.1	23.8	11.2	11.0	35.0	25.4	14.6	35.0	23.8	23.4
Incr Delay (d2), s/veh	11.1	5.0	0.6	97.6	0.2	0.5	96.1	6.4	2.0	151.5	2.5	2.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.5	5.6	1.7	16.3	2.8	2.3	5.9	5.2	5.2	7.6	2.8	1.9
LnGrp Delay(d),s/veh	45.4	33.4	25.7	121.4	11.3	11.5	131.4	31.8	16.6	186.5	26.4	25.6
LnGrp LOS	D	C	C	F	B	B	F	C	B	F	C	C
Approach Vol, veh/h		1232			1764			1014			553	
Approach Delay, s/veh		33.8			62.1			35.0			115.1	
Approach LOS		C			E			D			F	

Timer	1	2	3	4	5	6	7	8
Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.0	23.5	21.0	21.5	10.0	23.5	10.2	32.3
Change Period (Y+Rc), s	4.0	5.0	4.0	5.0	4.0	5.0	4.0	5.0
Max Green Setting (Gmax), s	6.0	18.0	17.0	17.0	6.0	18.0	11.0	23.0
Max Q Clear Time (g_c+I1), s	8.0	16.4	19.0	15.2	8.0	7.6	6.9	8.9
Green Ext Time (p_c), s	0.0	0.8	0.0	1.2	0.0	0.8	0.1	5.2

Intersection Summary	
HCM 2010 Ctrl Delay	54.9
HCM 2010 LOS	D

Appendix F of the DEIR (TIS Appendix B) was revised to clarify an error on TIS Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative).

Revisions include an updated TIS Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative) (TIS pg. 49):

Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative) of the TIS has been replaced with the following updated Table 25:

Table 25: 20-Year Cumulative plus Project Intersections LOS (Roundabout Alternative)

ID	Intersection	20-Year Cumulative Plus Project Conditions (2040 Geometrics)							
		A.M.				P.M.			
		V/C Ratio	Delay (sec)	LOS	95th Percentile Queue (ft.)	V/C Ratio	Delay (sec)	LOS	95th Percentile Queue (ft.)
3	*Laspina Street/Paige Ave.*	*0.692*	*8.3*	*A*	*177.8*	*0.645*	*9.8*	*A*	*142.3*
	Northbound	0.155	8.2	A	17.0	0.504	11.9	B	73.9
	Westbound	0.692	8.7	A	177.8	0.622	10.7	B	142.3
	Southbound	0.371	10.5	B	60.8	0.331	9.8	A	43.6
	Eastbound	0.399	6.6	A	50.0	0.645	8.0	A	121.4
4	*SR 99 NB Off-Ramp/Paige Ave.*	*0.669*	*9.2*	*A*	*215.1*	*0.779*	*10.2*	*B*	*186.1*
	Northbound	0.521	14.6	B	86.6	0.779	19.3	B	154.8
	Westbound	0.669	9.7	A	215.1	0.503	8.3	A	116.8
	Eastbound	0.515	7.0	A	117.0	0.641	8.4	A	186.1
5	*Blackstone Street/Paige Ave.*	*0.692*	*12.7*	*B*	*238.3*	*0.897*	*17.7*	*B*	*420.4*
	Northbound	0.646	10.8	B	120.9	0.748	9.8	A	176.3
	Westbound	0.692	13.0	B	238.3	0.897	24.0	C	420.4
	Southbound	0.675	12.3	B	215.4	0.753	17.4	B	280.1
	Eastbound	0.559	16.7	B	88.8	0.703	24.9	C	155.7
6	*SR 99 SB Off-Ramp/Paige Ave.*	*0.497*	*10.0*	*B*	*117.2*	*0.475*	*9.4*	*A*	*108.3*
	Northbound	0.429	5.3	A	97.7	0.442	4.8	A	106.0
	Southbound	0.497	14.1	B	117.2	0.475	15.3	B	108.3
	Eastbound	0.465	10.7	B	75.6	0.387	9.2	A	57.6

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This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Tulare Pilot Flying J project. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR, some of which were revised after the Draft EIR was prepared. These revisions are shown in Section 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Tulare will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing**: Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
AIR QUALITY				
Impact 3.2-1: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation.	***Mitigation Measure 3.2-1:*** *The proposed Project is subject to Rule 9510, as required by the SJVAPCD. The Project Applicant shall pay the Indirect Source Review Rule fee for any required reductions that have not been accomplished through project mitigation commitments, prior to Project construction activities. The fee calculations will be conducted by the SJVAPCD.*	City of Tulare Community Development Department	Prior to start of construction or grading activities	
Impact 3.2-5: The proposed Project has the potential to generate objectionable odors.	***Mitigation Measure 3.2-2:*** *The proposed Project is required to comply with SLC, Phase 1 EVR, and Pre-EVR Phase II requirements, as required by the California Air Resources Board (CARB). The Project applicant shall also implement all feasible SJVAPCD Best Available Control Technology (BACT) for all motor vehicle gasoline storage and dispensing operations, prior to the initial operational phase of the Project.* ***Mitigation Measure 3.2-3:*** *For the purposes of ensuring compliance with the California Air Resources Board (CARB) regulation requiring heavy-duty (GVWR >10,000 lbs) trucks to idle to no more than 5 minutes per hour, the Project applicant shall post highly visible signage throughout Project site where truck idling may occur (i.e. at multiple high-visibility locations throughout the truck parking area), prior to operation of the Project.*	City of Tulare Community Development Department	Prior to operational phase of the Project.	
BIOLOGICAL RESOURCES				
Impact 3.3-3: The proposed Project has the potential to have direct or indirect effects on special-status bird species.	***Mitigation Measure 3.3-1:*** *In order to avoid impacts to nesting raptors and migratory birds, Project activities will occur, where possible, outside the nesting season. The nesting season is generally February 1-August 31. If Project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. For migratory birds and raptors, the survey area will include the Project site and a 250-foot buffer area surrounding the Project site. If no active nests are found within the survey area, no further measures are required. Should any active nests be discovered within the survey area, the biologist will determine the appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with*	City of Tulare Community Development Department and the California Department of Fish and Wildlife	During construction activities	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged. It is noted that cliff swallow nests were observed on the bridge, and impacts are addressed in a separate measure. ***Mitigation Measure 3.3-2:*** *Mitigation for the loss of Swainson's hawk foraging habitat (and by default other raptor foraging habitat) shall occur at the applicable ratio(s) set forth in the CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994). This mitigation shall be applied during construction activities.*			
Impact 3.3-4: The proposed Project has the potential to result in direct or indirect effects on special-status mammal species.	***Mitigation Measure 3.3-3:*** *To avoid and minimize potential impacts to SJKF, the applicant shall implement the following measures, which are consistent with USFWS Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS, 2004).* • *No less than 14 days and no more than 30 days prior to initiation of site disturbance and/or construction, a biologist shall conduct a pre-activity (i.e., pre-construction) survey for known or potential sensitive species, including San Joaquin kit fox dens, and submit a letter to the City of Tulare reporting the date the survey was conducted, the survey methodology, survey results, and what measures were necessary (and completed), as applicable, to address any San Joaquin kit fox activity within the Project limits.* • *During construction, a qualified biologist shall conduct full-time monitoring during initial site-disturbance activities (i.e., grading, disking, excavation, stock piling of dirt or gravel, etc.). Upon completion of initial disturbance activities, monitoring shall occur on a weekly basis. During construction, the biologist shall submit monthly monitoring reports to the City of Tulare summarizing compliance with all applicable measures.* • *Prior to or during Project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the Project limits, the qualified biologist shall notify the City of Tulare. The City of Tulare will notify the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service. All work in the area of discovery will stop until*	City of Tulare Community Development Department and the California Department of Fish and Wildlife	During construction and or ground disturbing activities	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	such time that City of Tulare, in coordination with the CDFW and USFWS, determines ways to proceed with the Project and avoid take. • *During the site-disturbance and/or construction phase, all construction pipes, culverts, or similar structures or materials that contact a hole with a diameter of 4-inches or greater and that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. All pipes, culverts, or similar structures with a diameter of 4-inches or greater that will be stored onsite for more than one night shall be capped after it is inspected for San Joaquin kit fox. Road culverts shall be capped prior to the start of Project activities. If any San Joaquin kit fox is found, and the City of Tulare shall be notified. The City of Tulare will then notify the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service. All work in the area of discovery will stop until such time that City of Tulare, in coordination with the CDFW and USFWS, determines ways to proceed with the Project and avoid take.* • *Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.* • *To prevent inadvertent entrapment of San Joaquin kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the City of Tulare shall be notified. The City of Tulare will then notify the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service. All work in the area of discovery will stop until such time that City of Tulare, in coordination with the CDFW and USFWS, determines ways to proceed with the Project and avoid take.*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the City of Tulare. In the event that any observations are made of injured or dead San Joaquin kit fox, and the City of Tulare shall be notified. The City of Tulare will then notify the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service. All work in the area of discovery will stop until such time that City of Tulare, in coordination with the CDFW and USFWS, determines ways to proceed with the Project and avoid take. The City of Tulare shall cause any threatened or endangered species found dead or injured to be turned over immediately to the California Department of Fish and Wildlife for care, analysis, or disposition.* • *Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the City of Tulare shall do the following to provide for San Joaquin kit fox passage:* o *If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.* o *If a more solid wire mesh fence is used, 8×12-inch openings near the ground shall be provided every 100 yards..*			
Impact 3.3-10: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	***Mitigation Measure 3.3-4:*** *The landscaping plan shall include the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.*	City of Tulare Community Development Department	Prior to the project's operation phase	
CULTURAL RESOURCES				
Impact 3.4-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a	***Mitigation Measure 3.4-1:*** *If any cultural resources, including prehistoric or historic artifact, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the*	City of Tulare Community Development Department	Throughout all ground disturbing activities	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
significant tribal cultural resource, as defined in Public Resources Code §21074.	*find(s).* *Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR.* *If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.* *If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.*			
Impact 3.4-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5.	*Implement* ***Mitigation Measure 3.4-1***	City of Tulare Community Development Department	Throughout all ground disturbing activities	
Impact 3.4-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource.	***Mitigation Measure 3.4-2:*** *If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Tulare shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it shall be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where it could be curated and displayed for public education purposes.*	City of Tulare Community Development Department	Throughout all ground disturbing activities	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.4-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries.	***Mitigation Measure 3.4-3:*** *If human remains are discovered during the course of construction, work shall be halted at the site and any nearby area reasonably suspected to overlie adjacent human remains, until the Tulare County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:* • *The coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.* • *The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:* o *The Native American Heritage Commission is unable to identify a descendent.* o *The descendant identified fails to make a recommendation.* o *The City of Tulare or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*	City of Tulare Community Development Department	Throughout all ground disturbing activities	
GEOLOGY AND SOILS				
Impact 3.5-2: Implementation and construction of the proposed Project may result in substantial soil erosion or the loss of topsoil.	***Mitigation Measure 3.5-1:*** *Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-*	City of Tulare Community Development Department, Public Works Department,	Prior to the issuance of a grading permit	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed as effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Tulare and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.	and the RWQCB.		
Impact 3.5-3: The proposed Project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse.	***Mitigation Measure 3.5-2:*** *Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to subsidence and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.*	City of Tulare Community Development Department	Prior to earthmoving activities	
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.6-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan, policy, or regulation adopted for	***Mitigation Measure 3.6-1:*** *Ensure that the pedestrian network within the proposed Project site connects to offsite pedestrian networks, in order to make pedestrian circulation viable within, to, and from the project site and reduce the need to travel by vehicle, helping to reduce emissions and GHG. Project frontage improvements shall be included to ensure the Project is consistent with citywide street design standards and planned nearby circulation improvements. This mitigation shall occur during Project*	City of Tulare Community Development Department	During final design, construction activities, and prior to operational phase	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
the purpose of reducing the emissions of greenhouse gases.	*construction activities.* ***Mitigation Measure 3.6-2:*** *The City shall ensure that the proposed Project complies with Measure EE 1.3, Action E.1.3.2 of the Tulare Climate Action Plan. Proposed Project construction shall meet all CALGreen measures, as applicable, throughout the entirety of the construction of the Project.* ***Mitigation Measure 3.6-3:*** *The City shall ensure that the proposed Project complies with all City Building Code and other codes appropriate to increasing water efficiency in new non-residential development (as described in Tulare Climate Action Plan EE 1.5, Action E 1.5.4). This mitigation shall be applied prior to the end of Project construction activities.* ***Mitigation Measure 3.6-4:*** *The City shall require the proposed Project to comply with all applicable commercial energy performance measures within the City of Tulare Municipal Code, as described in Tulare Climate Action Measure EE 1.7. This mitigation shall be applied prior to the end of Project construction activities.* ***Mitigation Measure 3.6-5:*** *The City shall require the proposed Project to comply with Tulare Climate Action Measure SW 6.1, by providing on-site recycling throughout heavy-traffic areas of the Project site, to help the City achieve a 65% diversion of landfilled waste by 2020 and a 75% diversion by 2030. This mitigation shall be applied prior to the end of Project construction activities.*			
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.7-1: Potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	***Mitigation Measure 3.7-1:*** *Prior to the issuance of grading permits, the Project proponent shall have a qualified hazardous waste specialist assess the site for surface staining and if staining is found to be present, perform soil sampling to (1) test for concentrations of commercial or industrial chemicals that may be present as a result of storage activities on the Project site, and (2) test for residual concentrations of agrichemicals that may be present in soil as a result of historic agricultural application and storage. The results of the soil sampling shall be submitted to the City's Planning Division and Tulare County Health and Human Services Agency, Environmental Health*	City of Tulare Community Development Department and the Tulare County Dep't of Environmental Health	Prior to issuance of a grading permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Division. If evidence of contaminated soils at levels that pose a risk to construction personnel or future users of the Project site are encountered during the assessment, any contaminated areas shall be remediated by the Project applicant to reduce potential exposure to construction personnel and future users of the site to acceptable levels in accordance with recommendations made by Tulare County Health and Human Services Agency, Environmental Health Division, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, state, or local regulatory agencies. ***Mitigation Measure 3.7-2:*** *Prior to the commencement of a business operation that involves the transport, storage, use, or disposal of a significant quantity hazardous material within the Project site, the business owner shall submit a Hazardous Materials Business Plan (HMBP) for review and approval by the Tulare County Health and Human Services Agency, Environmental Health Division. The HMBP shall establish management practices for handling, storing, and disposal of hazardous materials, including fuels, paints, cleaners, solvents, pesticides, fertilizers, etc., during operations to reduce the potential for spills and to direct the safe handling of these materials if encountered. The areas shall be designed with spillage catchments such that any accidental spillage is prevented from entering waterways. The business owner shall also consult with the Tulare County Health and Human Services Agency, Environmental Health Division to ensure that the particular business operations are compliant with all local, state, and federal regulations relative to their operations (i.e. proper permits for the installation and use of an underground storage of hazardous substances (USTs)). The approved HMBP and any other permit deemed to be required in order to commence the specific business operations shall be maintained onsite and all personnel shall acknowledge that they have reviewed and understand the HMBP and any other permit requirements.*	City of Tulare Community Development Department and the Tulare County Dep't of Environmental Health	Prior to use or storage of hazardous materials	
Impact 3.7-4: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for	***Mitigation Measure 3.7-3:*** *Prior to design and site plan approval for the proposed Project, the applicant shall provide the Planning Director with FAA and ALUC determinations. If the height of any structure (signage, lighting, etc.) is determined to result in airspace obstructions, the maximum height shall be limited as recommended by the reviewing agencies.*	City of Tulare Community Development Department	Prior to design and site plan approval	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
people residing or working in the project area.				
HYDROLOGY AND WATER QUALITY				
Impact 3.8-1: The proposed Project has the potential to violate water quality standards or waste discharge requirements during construction.	*Implement* ***Mitigation Measure 3.5-1.***	City of Tulare Community Development Department, Public Works Department, and the RWQCB.	Prior to the issuance of a grading permit	
Impact 3.8-5 The proposed Project has the potential to otherwise substantially degrade water quality.	*Implement* ***Mitigation Measure 3.5-1***	City of Tulare Community Development Department, Public Works Department, and the RWQCB.	Prior to the issuance of a grading permit	
	Mitigation Measure 3.8-1*: The project applicant shall implement the following nonstructural BMPs that focus on preventing pollutants from entering stormwater:* • *Pollution Prevention/Good Housekeeping* ○ *A spill response and prevention plan shall be developed as a component of (1) SWPPPs prepared for construction activities, (2) SWPPPs for facilities subject to the NPDES*	City of Tulare Community Development Department, Public Works Department, and the RWQCB.	Prior to the issuance of a grading permit	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	general Industrial Stormwater Permit, and (3) spill prevention control and countermeasure plans for qualifying facilities. ○ *Streets and parking lots shall be swept at least once every two weeks.* • *Operation and Maintenance (O&M) of Treatment Controls* ○ *An Operation and Maintenance (O&M) Plan shall be developed for the storm drainage facilities to ensure long-term performance. The O&M plan shall incorporate the manufacturers' recommended maintenance procedures and include (1) provisions for debris removal, (2) guidance for addressing public health or safety issues, and (3) methods and criteria for assessing the efficacy of the storm drainage system. An annual report shall be submitted to the City certifying that maintenance of the facilities was conducted according to the O&M plan.* ***Mitigation Measure 3.8-2:*** *The project applicant shall implement the following structural BMPs that focus on preventing pollutants from entering stormwater, or alternative BMPs approved by the City of Tulare:* • *Grassed Swales: A swale is a vegetated, open channel management practice designed to treat and attenuate stormwater runoff for a specified water quality volume. Stormwater runoff flowing through these channels is treated by being filtered through vegetation in the channel, through a subsoil matrix, and/or through infiltration into the underlying soils. Swales can be used throughout the proposed project area where feasible in the landscape design to treat parking lot runoff.* *Proprietary Devices: There are a variety of commercially available stormwater treatment devices designed to remove contaminants from drainage once flows enter the conveyance systems. StormFilter™ units, or equivalent filtration-type systems, are recommended within the commercial and industrial areas as the main structural BMP for these areas. Bioswales are also recommended for streets and parking areas. Drop inlet filters should also be used to control drainage runoff water quality.*	City of Tulare Community Development Department, Public Works Department, and the RWQCB.	Prior to the operational phase	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
TRANSPORTATION AND CIRCULATION				
Impact 3.12-1: The proposed Project would not cause significant impacts at intersections.	***Mitigation Measure 3.12-1:*** *Prior to the operational phase, the Project proponent shall enter into a development agreement to ensure the installation of traffic signals and improvements at the affected intersections of Laspina Street/Paige Avenue, SR 99 SB Off-Ramp/Blackstone Street, SR 99 NB Off-Ramp/Paige Avenue, and Blackstone Street/Paige Avenue are provided as opening day improvements. All improvements are to be in accordance with the City of Tulare Improvement Standards, and sufficient to reduce LOS at affected intersections to acceptable levels (LOS D or better).*	City of Tulare Community Development Department and the City of Tulare Public Works Department	Prior to the operational phase	
Impact 3.12-3: The proposed Project would not adversely affect pedestrian and bicycle facilities.	***Mitigation Measure 3.12-2:*** *Prior to Design Approval, the project proponent shall coordinate with the City to determine a potential need for new and/or upgraded bicycle lanes along adjacent roadways (i.e. Paige Avenue and Blackstone Street).*	City of Tulare Community Development Department and the City of Tulare Public Works Department	Prior to final streetscape design approval	
Impact 4.17: Under cumulative conditions, project implementation would exacerbate levels of service at local intersections or exacerbate cumulatively levels of service on SR-99 Highway Facilities	***Mitigation Measure 4.0-1:*** *The project applicant shall pay its equitable share cost toward all identified improvements. Additionally, the City shall monitor and evaluate traffic at the first-year, 5-Year, 10-year and 15-year time period, and every year when the intersection operates at LOS D, to determine if a signal would be required at the first driveway in order to ensure that it operates at an acceptable LOS. If the results of the traffic monitoring show that a signal warrant is met at that time, the Project Applicant shall be responsible for funding the addition of a median and the modification of the intersection into a right-in and right-out only driveway. All future improvements shall ensure adequate access to neighboring facilities.*	City of Tulare Community Development Department and the City of Tulare Public Works Department	Prior to project obtaining a building permit, and during the operational phase for monitoring	

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